

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 898
94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Offered March 11, 2008.

Senate Substitute adopted, March 12, 2008.

Taken up for Perfection March 12, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3929S.07P

AN ACT

To repeal sections 32.057, 105.485, 135.800, 135.805, 142.028, 142.815, 231.444, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, 348.505, 640.710, 643.151, and 644.076, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the administration of agriculture incentives and programs, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 32.057, 105.485, 135.800, 135.805, 142.028, 142.815, 231.444, 260.546, 261.035, 261.230, 261.235, 261.239, 263.232, 265.200, 348.430, 348.432, 348.505, 640.710, 643.151, and 644.076, are repealed and thirty-nine new sections enacted in lieu thereof, to be known as sections 32.057, 105.485, 135.633, 135.710, 135.800, 135.805, 142.028, 142.815, 143.114, 143.128, 144.053, 144.063, 144.065, 231.444, 260.546, 261.035, 261.112, 261.230, 261.235, 261.239, 263.232, 265.200, 267.168, 348.230, 348.235, 348.430, 348.432, 348.505, 348.515, 348.518, 348.521, 348.524, 348.527, 348.530, 640.710, 643.151, 644.076, 1, and 2, to read as follows:

32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 contract basis, any person to whom authorized or unauthorized disclosure is made
6 by the department of revenue, or any person who lawfully or unlawfully inspects
7 any report or return filed with the department of revenue or to whom a copy, an
8 abstract or a portion of any report or return is furnished by the department of
9 revenue to make known in any manner, to permit the inspection or use of or to
10 divulge to anyone any information relative to any such report or return, any
11 information obtained by an investigation conducted by the department in the
12 discharge of official duty, or any information received by the director in
13 cooperation with the United States or other states in the enforcement of the
14 revenue laws of this state. Such confidential information is limited to
15 information received by the department in connection with the administration of
16 the tax laws of this state.

17 2. Nothing in this section shall be construed to prohibit:

18 (1) The disclosure of information, returns, reports, or facts shown thereby,
19 as described in subsection 1 of this section, by any officer, clerk or other employee
20 of the department of revenue charged with the custody of such information:

21 (a) To a taxpayer or the taxpayer's duly authorized representative under
22 regulations which the director of revenue may prescribe;

23 (b) In any action or proceeding, civil, criminal or mixed, brought to enforce
24 the revenue laws of this state;

25 (c) To the state auditor or the auditor's duly authorized employees as
26 required by subsection 4 of this section;

27 (d) To any city officer designated by ordinance of a city within this state
28 to collect a city earnings tax, upon written request of such officer, which request
29 states that the request is made for the purpose of determining or enforcing
30 compliance with such city earnings tax ordinance and provided that such
31 information disclosed shall be limited to that sufficient to identify the taxpayer,
32 and further provided that in no event shall any information be disclosed that will
33 result in the department of revenue being denied such information by the United
34 States or any other state. The city officer requesting the identity of taxpayers
35 filing state returns but not paying city earnings tax shall furnish to the director
36 of revenue a list of taxpayers paying such earnings tax, and the director shall
37 compare the list submitted with the director's records and return to such city
38 official the name and address of any taxpayer who is a resident of such city who
39 has filed a state tax return but who does not appear on the list furnished by such
40 city. The director of revenue may set a fee to reimburse the department for the

41 costs reasonably incurred in providing this information;

42 (e) To any employee of any county or other political subdivision imposing
43 a sales tax which is administered by the state department of revenue whose office
44 is authorized by the governing body of the county or other political subdivision
45 to receive any and all records of the state director of revenue pertaining to the
46 administration, collection and enforcement of its sales tax. The request for sales
47 tax records and reports shall include a description of the type of report requested,
48 the media form including electronic transfer, computer tape or disk, or printed
49 form, and the frequency desired. The request shall be made by annual written
50 application and shall be filed with the director of revenue. The director of
51 revenue may set a fee to reimburse the department for the costs reasonably
52 incurred in providing this information. Such city or county or any employee
53 thereof shall be subject to the same standards for confidentiality as required for
54 the department of revenue in using the information contained in the reports;

55 (f) To the director of the department of economic development or the
56 director's duly authorized employees in discharging the director's official duties
57 to certify taxpayers eligibility to claim state tax credits as prescribed by statutes;

58 (g) To any employee of any political subdivision, such records of the
59 director of revenue pertaining to the administration, collection and enforcement
60 of the tax imposed in chapter 149, RSMo, as are necessary for ensuring
61 compliance with any cigarette or tobacco tax imposed by such political
62 subdivision. The request for such records shall be made in writing to the director
63 of revenue, and shall include a description of the type of information requested
64 and the desired frequency. The director of revenue may charge a fee to reimburse
65 the department for costs reasonably incurred in providing such information;

66 (2) The publication by the director of revenue or of the state auditor in the
67 audit reports relating to the department of revenue of:

68 (a) Statistics, statements or explanations so classified as to prevent the
69 identification of any taxpayer or of any particular reports or returns and the
70 items thereof;

71 (b) The names and addresses without any additional information of
72 persons who filed returns and of persons whose tax refund checks have been
73 returned undelivered by the United States Post Office;

74 (3) The director of revenue from permitting the Secretary of the Treasury
75 of the United States or the Secretary's delegates, the proper officer of any state
76 of the United States imposing a tax equivalent to any of the taxes administered

77 by the department of revenue of the state of Missouri or the appropriate
78 representative of the multistate tax commission to inspect any return or report
79 required by the respective tax provision of this state, or may furnish to such
80 officer an abstract of the return or report or supply the officer with information
81 contained in the return or disclosed by the report of any authorized
82 investigation. Such permission, however, shall be granted on condition that the
83 corresponding revenue statute of the United States or of such other state, as the
84 case may be, grants substantially similar privileges to the director of revenue and
85 on further condition that such corresponding statute gives confidential status to
86 the material with which it is concerned;

87 (4) The disclosure of information, returns, reports, or facts shown thereby,
88 by any person on behalf of the director of revenue, in any action or proceeding to
89 which the director is a party or on behalf of any party to any action or proceeding
90 pursuant to the revenue laws of this state when such information is directly
91 involved in the action or proceeding, in either of which events the court may
92 require the production of, and may admit in evidence, so much of such
93 information as is pertinent to the action or proceeding and no more;

94 (5) The disclosure of information, returns, reports, or facts shown thereby,
95 by any person to a state or federal prosecuting official, including, but not limited
96 to, the state and federal attorneys general, or the official's designees involved in
97 any criminal, quasi-criminal, or civil investigation, action or proceeding pursuant
98 to the laws of this state or of the United States when such information is
99 pertinent to an investigation, action or proceeding involving the administration
100 of the revenue laws or duties of public office or employment connected therewith;

101 (6) Any school district from obtaining the aggregate amount of the
102 financial institution tax paid pursuant to chapter 148, RSMo, by financial
103 institutions located partially or exclusively within the school district's boundaries,
104 provided that the school district request such disclosure in writing to the
105 department of revenue;

106 (7) The disclosure of records which identify all companies licensed by this
107 state pursuant to the provisions of subsections 1 and 2 of section 149.035,
108 RSMo. The director of revenue may charge a fee to reimburse the department for
109 the costs reasonably incurred in providing such records;

110 (8) The disclosure to the commissioner of administration pursuant to
111 section 34.040, RSMo, of a list of vendors and their affiliates who meet the
112 conditions of section 144.635, RSMo, but refuse to collect the use tax levied

113 pursuant to chapter 144, RSMo, on their sales delivered to this state;

114 **(9) The disclosure to the public of any information, or facts**
115 **shown thereby regarding the claiming of a state tax credit by a member**
116 **of the Missouri general assembly or any state-wide elected public**
117 **official.**

118 3. Any person violating any provision of subsection 1 or 2 of this section
119 shall, upon conviction, be guilty of a class D felony.

120 4. The state auditor or the auditor's duly authorized employees who have
121 taken the oath of confidentiality required by section 29.070, RSMo, shall have the
122 right to inspect any report or return filed with the department of revenue if such
123 inspection is related to and for the purpose of auditing the department of
124 revenue; except that, the state auditor or the auditor's duly authorized employees
125 shall have no greater right of access to, use and publication of information, audit
126 and related activities with respect to income tax information obtained by the
127 department of revenue pursuant to chapter 143, RSMo, or federal statute than
128 specifically exists pursuant to the laws of the United States and of the income tax
129 laws of the state of Missouri.

105.485. 1. Each financial interest statement required by sections
2 105.483 to 105.492 shall be on a form prescribed by the commission and shall be
3 signed and verified by a written declaration that it is made under penalties of
4 perjury; provided, however, the form shall not seek information which is not
5 specifically required by sections 105.483 to 105.492.

6 2. Each person required to file a financial interest statement pursuant to
7 subdivisions (1) to (12) of section 105.483 shall file the following information for
8 himself, his spouse and dependent children at any time during the period covered
9 by the statement, whether singularly or collectively; provided, however, that said
10 person, if he does not know and his spouse will not divulge any information
11 required to be reported by this section concerning the financial interest of his
12 spouse, shall state on his financial interest statement that he has disclosed that
13 information known to him and that his spouse has refused or failed to provide
14 other information upon his bona fide request, and such statement shall be
15 deemed to satisfy the requirements of this section for such financial interest of
16 his spouse; and provided further if the spouse of any person required to file a
17 financial interest statement is also required by section 105.483 to file a financial
18 interest statement, the financial interest statement filed by each need not disclose
19 the financial interest of the other, provided that each financial interest statement

20 shall state that the spouse of the person has filed a separate financial interest
21 statement and the name under which the statement was filed:

22 (1) The name and address of each of the employers of such person from
23 whom income of one thousand dollars or more was received during the year
24 covered by the statement;

25 (2) The name and address of each sole proprietorship which he owned; the
26 name, address and the general nature of the business conducted of each general
27 partnership and joint venture in which he was a partner or participant; the name
28 and address of each partner or coparticipant for each partnership or joint venture
29 unless such names and addresses are filed by the partnership or joint venture
30 with the secretary of state; the name, address and general nature of the business
31 conducted of any closely held corporation or limited partnership in which the
32 person owned ten percent or more of any class of the outstanding stock or limited
33 partners' units; and the name of any publicly traded corporation or limited
34 partnership which is listed on a regulated stock exchange or automated quotation
35 system in which the person owned two percent or more of any class of outstanding
36 stock, limited partnership units or other equity interests;

37 (3) The name and address of any other source not reported pursuant to
38 subdivisions (1) and (2) and subdivisions (4) to (9) of this subsection from which
39 such person received one thousand dollars or more of income during the year
40 covered by the statement, including, but not limited to, any income otherwise
41 required to be reported on any tax return such person is required by law to file;
42 except that only the name of any publicly traded corporation or limited
43 partnership which is listed on a regulated stock exchange or automated quotation
44 system need be reported pursuant to this subdivision;

45 (4) The location by county, the subclassification for property tax
46 assessment purposes, the approximate size and a description of the major
47 improvements and use for each parcel of real property in the state, other than the
48 individual's personal residence, having a fair market value of ten thousand
49 dollars or more in which such person held a vested interest including a leasehold
50 for a term of ten years or longer, and, if the property was transferred during the
51 year covered by the statement, the name and address of the persons furnishing
52 or receiving consideration for such transfer;

53 (5) The name and address of each entity in which such person owned
54 stock, bonds or other equity interest with a value in excess of ten thousand
55 dollars; except that, if the entity is a corporation listed on a regulated stock

56 exchange, only the name of the corporation need be listed; and provided that any
57 member of any board or commission of the state or any political subdivision who
58 does not receive any compensation for his services to the state or political
59 subdivision other than reimbursement for his actual expenses or a per diem
60 allowance as prescribed by law for each day of such service need not report
61 interests in publicly traded corporations or limited partnerships which are listed
62 on a regulated stock exchange or automated quotation system pursuant to this
63 subdivision; and provided further that the provisions of this subdivision shall not
64 require reporting of any interest in any qualified plan or annuity pursuant to the
65 Employees' Retirement Income Security Act;

66 (6) The name and address of each corporation for which such person
67 served in the capacity of a director, officer or receiver;

68 (7) The name and address of each not-for-profit corporation and each
69 association, organization, or union, whether incorporated or not, except
70 not-for-profit corporations formed to provide church services, fraternal
71 organizations or service clubs from which the officer or employee draws no
72 remuneration, in which such person was an officer, director, employee or trustee
73 at any time during the year covered by the statement, and for each such
74 organization, a general description of the nature and purpose of the organization;

75 (8) The name and address of each source from which such person received
76 a gift or gifts, or honorarium or honoraria in excess of two hundred dollars in
77 value per source during the year covered by the statement other than gifts from
78 persons within the third degree of consanguinity or affinity of the person filing
79 the financial interest statement. For the purposes of this section, a "gift" shall
80 not be construed to mean political contributions otherwise required to be reported
81 by law or hospitality such as food, beverages or admissions to social, art, or
82 sporting events or the like, or informational material. For the purposes of this
83 section, a "gift" shall include gifts to or by creditors of the individual for the
84 purpose of canceling, reducing or otherwise forgiving the indebtedness of the
85 individual to that creditor;

86 (9) The lodging and travel expenses provided by any third person for
87 expenses incurred outside the state of Missouri whether by gift or in relation to
88 the duties of office of such official, except that such statement shall not include
89 travel or lodging expenses:

90 (a) Paid in the ordinary course of business for businesses described in
91 subdivisions (1), (2), (5) and (6) of this subsection which are related to the duties

92 of office of such official; or

93 (b) For which the official may be reimbursed as provided by law; or

94 (c) Paid by persons related by the third degree of consanguinity or affinity
95 to the person filing the statement; or

96 (d) Expenses which are reported by the campaign committee or candidate
97 committee of the person filing the statement pursuant to the provisions of chapter
98 130, RSMo; or

99 (e) Paid for purely personal purposes which are not related to the person's
100 official duties by a third person who is not a lobbyist, a lobbyist principal or
101 member, or officer or director of a member, of any association or entity which
102 employs a lobbyist. The statement shall include the name and address of such
103 person who paid the expenses, the date such expenses were incurred, the amount
104 incurred, the location of the travel and lodging, and the nature of the services
105 rendered or reason for the expenses;

106 (10) The assets in any revocable trust of which the individual is the
107 settlor if such assets would otherwise be required to be reported under this
108 section;

109 (11) The name, position and relationship of any relative within the first
110 degree of consanguinity or affinity to any other person who:

111 (a) Is employed by the state of Missouri, by a political subdivision of the
112 state or special district, as defined in section 115.013, RSMo, of the state of
113 Missouri;

114 (b) Is a lobbyist; or

115 (c) Is a fee agent of the department of revenue;

116 (12) The name and address of each campaign committee, political
117 committee, candidate committee, or continuing committee for which such person
118 or any corporation listed on such person's financial interest statement received
119 payment; and

120 **(13) For members of the general assembly or any state-wide**
121 **elected public official, their spouses, and their dependent children,**
122 **whether any state tax credits were claimed on the member's, spouse's,**
123 **or dependent child's most recent state income tax return.**

124 3. For the purposes of subdivisions (1), (2) and (3) of subsection 2 of this
125 section, an individual shall be deemed to have received a salary from his
126 employer or income from any source at the time when he shall receive a
127 negotiable instrument whether or not payable at a later date and at the time

128 when under the practice of his employer or the terms of an agreement, he has
129 earned or is entitled to anything of actual value whether or not delivery of the
130 value is deferred or right to it has vested. The term "income" as used in this
131 section shall have the same meaning as provided in the Internal Revenue Code
132 of 1986, and amendments thereto, as the same may be or becomes effective, at
133 any time or from time to time for the taxable year, provided that income shall not
134 be considered received or earned for purposes of this section from a partnership
135 or sole proprietorship until such income is converted from business to personal
136 use.

137 4. Each official, officer or employee or candidate of any political
138 subdivision described in subdivision (11) of section 105.483 shall be required to
139 file a financial interest statement as required by subsection 2 of this section,
140 unless the political subdivision biennially adopts an ordinance, order or
141 resolution at an open meeting by September fifteenth of the preceding year, which
142 establishes and makes public its own method of disclosing potential conflicts of
143 interest and substantial interests and therefore excludes the political subdivision
144 or district and its officers and employees from the requirements of subsection 2
145 of this section. A certified copy of the ordinance, order or resolution shall be sent
146 to the commission within ten days of its adoption. The commission shall assist
147 any political subdivision in developing forms to complete the requirements of this
148 subsection. The ordinance, order or resolution shall contain, at a minimum, the
149 following requirements with respect to disclosure of substantial interests:

150 (1) Disclosure in writing of the following described transactions, if any
151 such transactions were engaged in during the calendar year:

152 (a) For such person, and all persons within the first degree of
153 consanguinity or affinity of such person, the date and the identities of the parties
154 to each transaction with a total value in excess of five hundred dollars, if any,
155 that such person had with the political subdivision, other than compensation
156 received as an employee or payment of any tax, fee or penalty due to the political
157 subdivision, and other than transfers for no consideration to the political
158 subdivision;

159 (b) The date and the identities of the parties to each transaction known
160 to the person with a total value in excess of five hundred dollars, if any, that any
161 business entity in which such person had a substantial interest, had with the
162 political subdivision, other than payment of any tax, fee or penalty due to the
163 political subdivision or transactions involving payment for providing utility

164 service to the political subdivision, and other than transfers for no consideration
165 to the political subdivision;

166 (2) The chief administrative officer and chief purchasing officer of such
167 political subdivision shall disclose in writing the information described in
168 subdivisions (1), (2) and (6) of subsection 2 of this section;

169 (3) Disclosure of such other financial interests applicable to officials,
170 officers and employees of the political subdivision, as may be required by the
171 ordinance or resolution;

172 (4) Duplicate disclosure reports made pursuant to this subsection shall be
173 filed with the commission and the governing body of the political
174 subdivision. The clerk of such governing body shall maintain such disclosure
175 reports available for public inspection and copying during normal business hours.

135.633. 1. As used in this section, the following terms mean:

2 (1) "Authority", the Missouri agricultural and small business
3 development authority;

4 (2) "Eligible expenses", the actual cost to a producer of
5 implementing odor abatement technologies and best management
6 practices. All eligible expenses shall not exceed the costs of the project
7 less any federal or other state incentives;

8 (3) "Odor abatement technologies and best management
9 practices", includes but shall not be limited to tree screens, biomass
10 walls, windbreak walls, biofilters, additional waste storage capacity,
11 liquid injection implements, solid separators, lagoon covers, digesters,
12 scrubbers, field buffers, comprehensive nutrient management plans,
13 and other practices approved by the Natural Resources Conservation
14 Service. Additional practices may be established in rule by the
15 authority;

16 (5) "Producer", a person, partnership, cooperative, corporation,
17 trust, or limited liability company who is a Missouri resident, whose
18 primary purpose is agriculture production, and that is classified as a
19 class IC or smaller concentrated animal feeding operation;

20 (6) "Tax credit", a credit against the tax otherwise due under
21 chapter 143, RSMo, excluding withholding tax imposed by sections
22 143.191 to 143.265, RSMo, or otherwise due under chapter 147, 148, or
23 153, RSMo;

24 (7) "Taxpayer", any individual or entity subject to the tax
25 imposed in chapter 143, RSMo, excluding withholding tax imposed by

26 sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147,
27 148, or 153, RSMo.

28 2. For all taxable years beginning on or after January 1, 2008, a
29 taxpayer shall be allowed a tax credit for the eligible costs of
30 implementing odor abatement technologies and best management
31 practices. The maximum cumulative tax credit amount per taxpayer
32 per year shall be the lesser of twenty-five thousand dollars or fifty
33 percent of the eligible expenses for implementing odor abatement
34 technologies and best management practices or basic infrastructure to
35 increase the setback from its current distance from the property line
36 or from any occupied residence.

37 3. If the amount of the tax credit issued exceeds the amount of
38 the taxpayer's state tax liability for the tax year for which the credit is
39 claimed, the difference shall not be refundable but may be carried back
40 to any of the taxpayer's three prior taxable years and carried forward
41 to any of the taxpayer's five subsequent taxable years regardless of the
42 type of tax liability to which such credits are applied as authorized
43 under subsection 4 of this section. Tax credits granted under this
44 section may be transferred, sold, or assigned. Whenever a certificate
45 of tax credit is assigned, transferred, sold, or otherwise conveyed, a
46 notarized endorsement shall be filed with the authority specifying the
47 name and address of the new owner of the tax credit or the value of the
48 credit. The cumulative amount of tax credits which may be issued
49 under this section in any one fiscal year shall not exceed three hundred
50 thousand dollars.

51 4. Producers may receive a credit against the tax or estimated
52 quarterly tax otherwise due under chapter 143, RSMo, other than taxes
53 withheld under sections 143.191 to 143.265, RSMo, or chapter 147 or 148,
54 RSMo.

55 5. Tax credits claimed in a taxable year may be done so on a
56 quarterly basis and applied to the estimated quarterly tax otherwise
57 due under subsection 4 of this section. If a quarterly tax credit claim
58 or series of claims contributes to causing an overpayment of taxes for
59 a taxable year, such overpayment shall not be refunded but shall be
60 applied to the next taxable year.

61 6. A producer shall submit to the authority an application for tax
62 credit allocation before any eligible expenses are expended. The

63 authority may promulgate rules establishing eligibility under this
64 section, taking into consideration:

- 65 (1) The potential for material odor reduction;
- 66 (2) The producer's ability to provide funding for the
67 implementation of odor abatement best management practices;
- 68 (3) The implementation of proven odor abatement technologies;
- 69 and
- 70 (4) Such other factors as the authority may establish.

71 7. The authority may impose a one-time application fee of one-
72 fourth of one percent which shall be collected at the time of the tax
73 credit issuance.

74 8. Any odor abatement tax credit not issued by June thirtieth of
75 each fiscal year shall expire.

76 9. The department of natural resources, the department of
77 agriculture, and the authority shall jointly promulgate rules to
78 implement the provisions of this section. The provisions of subsections
79 1 to 8 of this section shall only become effective upon the joint
80 committee on administrative rules fulfilling its responsibilities under
81 chapter 536, RSMo, and the rules becoming effective. The joint
82 committee on administrative rules shall notify the revisor of statutes
83 once the rules have become effective. Any rule or portion of a rule, as
84 that term is defined in section 536.010, RSMo, that is created under the
85 authority delegated in this section shall become effective only if it
86 complies with and is subject to all of the provisions of chapter 536,
87 RSMo, and, if applicable, section 536.028, RSMo. This section and
88 chapter 536, RSMo, are nonseverable and if any of the powers vested
89 with the general assembly pursuant to chapter 536, RSMo, to review, to
90 delay the effective date, or to disapprove and annul a rule are
91 subsequently held unconstitutional, then the grant of rulemaking
92 authority and any rule proposed or adopted after August 28, 2008, shall
93 be invalid and void.

94 10. A determination by either the department of agriculture or
95 the department of natural resources that a taxpayer has ceased to
96 utilize odor abatement technologies and best management practices for
97 which such taxpayer was issued tax credits under this section shall
98 result in the forfeiture of such taxpayer's tax credits for the taxable
99 year in which such determination is made and all future years. To the

100 extent a taxpayer has claimed tax credits under this section in a
101 taxable year in which such a determination is made, such taxpayer
102 shall make payment to the state in a dollar amount equal to the tax
103 credits claimed.

104 11. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

105 (1) The provisions of the new program authorized under this
106 section shall sunset automatically five years after the effective date of
107 this section unless reauthorized by an act of the general assembly; and

108 (2) If such program is reauthorized, the program authorized
109 under this section shall sunset automatically five years after the
110 effective date of the reauthorization of this section; and

111 (3) This section shall terminate on September first of the
112 calendar year immediately following the calendar year in which the
113 program authorized under this section is sunset.

135.710. 1. As used in this section, the following terms mean:

2 (1) "Alternative fuels", any motor fuel at least seventy percent of
3 the volume of which consists of one or more of the following:

4 (a) Ethanol;

5 (b) Natural gas;

6 (c) Compressed natural gas;

7 (d) Liquified natural gas;

8 (e) Liquified petroleum gas;

9 (f) Any mixture of biodiesel and diesel fuel, without regard to
10 any use of kerosene;

11 (2) "Department", the department of natural resources;

12 (3) "Eligible applicant", a business entity that is the owner of a
13 qualified alternative fuel vehicle refueling property;

14 (4) "Qualified alternative fuel vehicle refueling property",
15 property in this state owned by an eligible applicant and used for
16 storing alternative fuels and for dispensing such alternative fuels into
17 fuel tanks of motor vehicles owned by such eligible applicant or private
18 citizens which, if constructed after August 28, 2008, was constructed
19 with at least fifty-one percent of the costs being paid to qualified
20 Missouri contractors for the:

21 (a) Fabrication of pre-manufactured equipment or process piping
22 used in the construction of such facility;

23 (b) Construction of such facility; and

24 (c) General maintenance of such facility during the time period
25 in which such facility receives any tax credit under this section;

26 (5) "Qualified Missouri contractor", a contractor whose principal
27 place of business is located in Missouri and has been located in
28 Missouri for a period of not less than five years.

29 2. For all tax years beginning on or after January 1, 2009, but
30 before January 1, 2012, any eligible applicant who installs and operates
31 a qualified alternative fuel vehicle refueling property shall be allowed
32 a credit against the tax otherwise due under chapter 143, RSMo,
33 excluding withholding tax imposed by sections 143.191 to 143.265,
34 RSMo, or due under chapter 147, RSMo, or chapter 148, RSMo, for any
35 tax year in which the applicant is constructing the refueling
36 property. The credit allowed in this section per eligible applicant shall
37 not exceed the lesser of twenty thousand dollars or twenty percent of
38 the total costs directly associated with the purchase and installation of
39 any alternative fuel storage and dispensing equipment on any qualified
40 alternative fuel vehicle refueling property, which shall not include the
41 following:

42 (1) Costs associated with the purchase of land upon which to
43 place a qualified alternative fuel vehicle refueling property;

44 (2) Costs associated with the purchase of an existing qualified
45 alternative fuel vehicle refueling property; or

46 (3) Costs for the construction or purchase of any structure.

47 3. Tax credits allowed by this section shall be claimed by the
48 eligible applicant at the time such applicant files a return for the tax
49 year in which the storage and dispensing facilities were placed in
50 service at a qualified alternative fuel vehicle refueling property, and
51 shall be applied against the income tax liability imposed by chapter
52 143, RSMo, chapter 147, RSMo, or chapter 148, RSMo, after all other
53 credits provided by law have been applied. The cumulative amount of
54 tax credits which may be claimed by eligible applicants claiming all
55 credits authorized in this section shall not exceed the following
56 amounts:

57 (1) In taxable year 2009, three million dollars;

58 (2) In taxable year 2010, two million dollars; and

59 (3) In taxable year 2011, one million dollars.

60 No new tax credits authorized under the provisions of this section shall

61 be issued in any tax year beginning on or after January 1, 2012.

62 4. If the amount of the tax credit exceeds the eligible applicant's
63 tax liability, the difference shall not be refundable. Any amount of
64 credit that an eligible applicant is prohibited by this section from
65 claiming in a taxable year may be carried forward to any of such
66 applicant's two subsequent taxable years. Tax credits allowed under
67 this section may be assigned, transferred, sold, or otherwise conveyed.

68 5. An alternative fuel vehicle refueling property, for which an
69 eligible applicant receives tax credits under this section, which ceases
70 to sell alternative fuel shall cause the forfeiture of such eligible
71 applicant's tax credits provided under this section for the taxable year
72 in which the alternative fuel vehicle refueling property ceased to sell
73 alternative fuel and for future taxable years with no recapture of tax
74 credits obtained by an eligible applicant with respect to such
75 applicant's tax years which ended before the sale of alternative fuel
76 ceased.

77 6. The director of revenue shall establish the procedure by which
78 the tax credits in this section may be claimed, and shall establish a
79 procedure by which the cumulative amount of tax credits is
80 apportioned equally among all eligible applicants claiming the credit.
81 To the maximum extent possible, the director of revenue shall establish
82 the procedure described in this subsection in such a manner as to
83 ensure that eligible applicants can claim all the tax credits possible up
84 to the cumulative amount of tax credits available for the taxable year.
85 No eligible applicant claiming a tax credit under this section shall be
86 liable for any interest or penalty for filing a tax return after the date
87 fixed for filing such return as a result of the apportionment procedure
88 under this subsection.

89 7. Any eligible applicant desiring to claim a tax credit under this
90 section shall submit the appropriate application for such credit with
91 the department. The application for a tax credit under this section
92 shall include any information required by the department. The
93 department shall review the applications and certify to the department
94 of revenue each eligible applicant that qualifies for the tax credit.

95 8. The department and the department of revenue may
96 promulgate rules to implement the provisions of this section. Any rule
97 or portion of a rule, as that term is defined in section 536.010, RSMo,

98 that is created under the authority delegated in this section shall
99 become effective only if it complies with and is subject to all of the
100 provisions of chapter 536, RSMo, and, if applicable, section 536.028,
101 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
102 of the powers vested with the general assembly pursuant to chapter
103 536, RSMo, to review, to delay the effective date, or to disapprove and
104 annul a rule are subsequently held unconstitutional, then the grant of
105 rulemaking authority and any rule proposed or adopted after August
106 28, 2008, shall be invalid and void.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known
2 and may be cited as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with
5 administering a particular tax credit program, as set forth by the program's
6 enacting statute; where no department or agency is set forth, the department of
7 revenue;

8 (2) "Agricultural tax credits", the agricultural product utilization
9 contributor tax credit created pursuant to section 348.430, RSMo, the new
10 generation cooperative incentive tax credit created pursuant to section 348.432,
11 RSMo, **the family farm breeding livestock loan tax credit created under**
12 **section 348.505, RSMo, the qualified beef tax credit created under**
13 **section 135.679**, and the wine and grape production tax credit created pursuant
14 to section 135.700;

15 (3) "All tax credit programs", the tax credit programs included in the
16 definitions of agricultural tax credits, business recruitment tax credits,
17 community development tax credits, domestic and social tax credits,
18 entrepreneurial tax credits, environmental tax credits, housing tax credits,
19 redevelopment tax credits, and training and educational tax credits;

20 (4) "Business recruitment tax credits", the business facility tax credit
21 created pursuant to sections 135.110 to 135.150 and section 135.258, the
22 enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the
23 business use incentives for large-scale development programs created pursuant
24 to sections 100.700 to 100.850, RSMo, the development tax credits created
25 pursuant to sections 32.100 to 32.125, RSMo, the rebuilding communities tax
26 credit created pursuant to section 135.535, and the film production tax credit
27 created pursuant to section 135.750;

28 (5) "Community development tax credits", the neighborhood assistance tax
29 credit created pursuant to sections 32.100 to 32.125, RSMo, the family
30 development account tax credit created pursuant to sections 208.750 to 208.775,
31 RSMo, the dry fire hydrant tax credit created pursuant to section 320.093, RSMo,
32 and the transportation development tax credit created pursuant to section
33 135.545;

34 (6) "Domestic and social tax credits", the youth opportunities tax credit
35 created pursuant to section 135.460 and sections 620.1100 to 620.1103, RSMo, the
36 shelter for victims of domestic violence created pursuant to section 135.550, the
37 senior citizen or disabled person property tax credit created pursuant to sections
38 135.010 to 135.035, the special needs adoption tax credit created pursuant to
39 sections 135.325 to 135.339, the maternity home tax credit created pursuant to
40 section 135.600, and the shared care tax credit created pursuant to section
41 660.055, RSMo;

42 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant
43 to sections 135.400 to 135.429, the certified capital company tax credit created
44 pursuant to sections 135.500 to 135.529, the seed capital tax credit created
45 pursuant to sections 348.300 to 348.318, RSMo, the new enterprise creation tax
46 credit created pursuant to sections 620.635 to 620.653, RSMo, the research tax
47 credit created pursuant to section 620.1039, RSMo, the small business incubator
48 tax credit created pursuant to section 620.495, RSMo, the guarantee fee tax credit
49 created pursuant to section 135.766, and the new generation cooperative tax
50 credit created pursuant to sections 32.105 to 32.125, RSMo;

51 (8) "Environmental tax credits", the charcoal producer tax credit created
52 pursuant to section 135.313, the wood energy tax credit created pursuant to
53 sections 135.300 to 135.311, and the manufacturing and recycling flexible
54 cellulose casing tax credit created pursuant to section 260.285, RSMo;

55 (9) "Housing tax credits", the neighborhood preservation tax credit created
56 pursuant to sections 135.475 to 135.487, the low-income housing tax credit
57 created pursuant to sections 135.350 to 135.363, and the affordable housing tax
58 credit created pursuant to sections 32.105 to 32.125, RSMo;

59 (10) "Recipient", the individual or entity who is the original applicant for
60 and who receives proceeds from a tax credit program directly from the
61 administering agency, the person or entity responsible for the reporting
62 requirements established in section 135.805;

63 (11) "Redevelopment tax credits", the historic preservation tax credit

64 created pursuant to sections 253.545 to 253.561, RSMo, the brownfield
65 redevelopment program tax credit created pursuant to sections 447.700 to
66 447.718, RSMo, the community development corporations tax credit created
67 pursuant to sections 135.400 to 135.430, the infrastructure tax credit created
68 pursuant to subsection 6 of section 100.286, RSMo, the bond guarantee tax credit
69 created pursuant to section 100.297, RSMo, and the disabled access tax credit
70 created pursuant to section 135.490;

71 (12) "Training and educational tax credits", the community college new
72 jobs tax credit created pursuant to sections 178.892 to 178.896, RSMo, the skills
73 development account tax credit created pursuant to sections 620.1400 to
74 620.1460, RSMo, the mature worker tax credit created pursuant to section
75 620.1560, RSMo, and the sponsorship and mentoring tax credit created pursuant
76 to section 135.348.

135.805. 1. A recipient of a community development tax credit shall
2 annually, for a period of three years following issuance of tax credits, provide to
3 the administering agency information confirming the title and location of the
4 corresponding project, the estimated or actual time period for completion of the
5 project, and all geographic areas impacted by the project.

6 2. A recipient of a redevelopment tax credit shall annually, for a period
7 of three years following issuance of tax credits, provide to the administering
8 agency information confirming whether the property is used for residential,
9 commercial, or governmental purposes, and the projected or actual project cost,
10 labor cost, and date of completion.

11 3. A recipient of a business recruitment tax credit shall annually, for a
12 period of three years following issuance of tax credits, provide to the
13 administering agency information confirming the category of business by size, the
14 address of the business headquarters and all offices located within this state, the
15 number of employees at the time of the annual update, an updated estimate of
16 the number of employees projected to increase as a result of the completion of the
17 project, and the estimated or actual project cost.

18 4. A recipient of a training and educational tax credit shall annually, for
19 a period of three years following issuance of tax credits, provide to the
20 administering agency information confirming the name and address of the
21 educational institution used, the average salary of workers served as of such
22 annual update, the estimated or actual project cost, and the number of employees
23 and number of students served as of such annual update.

24 5. A recipient of a housing tax credit shall annually, for a period of three
25 years following issuance of tax credits, provide to the administering agency
26 information confirming the address of the property, the fair market value of the
27 property, as defined in subsection 6 of section 135.802, and the projected or actual
28 labor cost and completion date of the project.

29 6. A recipient of an entrepreneurial tax credit shall annually, for a period
30 of three years following issuance of tax credits, provide to the administering
31 agency information confirming the amount of investment and the names of the
32 project, fund, and research project.

33 7. A recipient of an agricultural tax credit shall annually, for a period of
34 three years following issuance of tax credits, provide to the administering agency
35 information confirming the type of agricultural commodity, the amount of
36 contribution, the type of equipment purchased, and the name and description of
37 the facility, except that if the agricultural credit is issued as a result of a
38 producer member investing in a new generation processing entity **or new**
39 **generation cooperative** then the new generation processing entity **or new**
40 **generation cooperative**, and not the recipient, shall annually, for a period of
41 three years following issuance of tax credits, provide to the administering agency
42 information confirming the type of agricultural commodity, the amount of
43 contribution, the type of equipment purchased, and the name and description of
44 the facility.

45 8. A recipient of an environmental tax credit shall annually, for a period
46 of three years following issuance of tax credits, provide to the administering
47 agency information detailing any change to the type of equipment purchased, if
48 applicable, and any change to any environmental impact statement, if such
49 statement is required by state or federal law.

50 9. The reporting requirements established in this section shall be due
51 annually on June thirtieth of each year. No person or entity shall be required to
52 make an annual report until at least one year after the credit issuance date.

53 10. Where the sole requirement for receiving a tax credit in the enabling
54 legislation of any tax credit is an obligatory assessment upon a taxpayer or a
55 monetary contribution to a particular group or entity, the reporting requirements
56 provided in this section shall apply to the recipient of such assessment or
57 contribution and shall not apply to the assessed nor the contributor.

58 11. Where the enacting statutes of a particular tax credit program or the
59 rules of a particular administering agency require reporting of information that

60 includes the information required in sections 135.802 to 135.810, upon reporting
61 of the required information, the applicant shall be deemed to be in compliance
62 with the requirements of sections 135.802 to 135.810. The administering agency
63 shall notify in writing the department of economic development of the
64 administering agency's status as custodian of any particular tax credit program
65 and that all records pertaining to the program are available at the administering
66 agency's office for review by the department of economic development.

67 12. The provisions of subsections 1 to 10 of this section shall apply
68 beginning on June 30, 2005.

69 **13. Notwithstanding provisions of law to the contrary, every**
70 **agency of this state charged with administering a tax credit program**
71 **authorized under the laws of this state shall make available for public**
72 **inspection the name of each tax credit recipient and the amount of tax**
73 **credits issued to each such recipient.**

142.028. 1. As used in this section, the following terms mean:

2 (1) "Fuel ethanol", [one hundred ninety-eight proof ethanol denatured in
3 conformity with the United States Bureau of Alcohol, Tobacco and Firearms'
4 regulations and fermented and distilled in a facility whose principal (over fifty
5 percent) feed stock is cereal grain or cereal grain by-products] **a fuel which**
6 **meets ASTM International specification number D 4806 or subsequent**
7 **specifications for blending with gasoline for use as automotive spark-**
8 **ignition engine fuel and where the ethanol is made from cereal grains,**
9 **cereal grain by-products, or qualified biomass;**

10 (2) "Fuel ethanol blends", a mixture of ninety percent gasoline and ten
11 percent fuel ethanol in which the gasoline portion of the blend or the finished
12 blend meets the [American Society for Testing and Materials -] **ASTM**
13 **International** specification number [D-439] **D 4814;**

14 (3) "Missouri qualified fuel ethanol producer", any producer of fuel ethanol
15 whose principal place of business and facility for the fermentation and distillation
16 of fuel ethanol is located within the state of Missouri and is at least fifty-one
17 percent owned by agricultural producers actively engaged in agricultural
18 production for commercial purposes, and which has made formal application,
19 posted a bond, and conformed to the requirements of this section;

20 (4) **"Professional forester", any individual who holds a bachelor**
21 **of science degree in forestry from a regionally accredited college or**
22 **university with a minimum of two years of professional forest**

23 **management experience;**

24 **(5) "Qualified biomass", any agriculture-derived organic material**
25 **or any wood-derived organic material harvested in accordance with a**
26 **site specific forest management plan focused for long-term forest**
27 **sustainability developed by a professional forester and qualified, in**
28 **consultation with the conservation commission, by the Missouri**
29 **agricultural and small business development authority.**

30 2. The "Missouri Qualified Fuel Ethanol Producer Incentive Fund" is
31 hereby created and subject to appropriations shall be used to provide economic
32 subsidies to Missouri qualified fuel ethanol producers pursuant to this
33 section. The director of the department of agriculture shall administer the fund
34 pursuant to this section.

35 3. A Missouri qualified fuel ethanol producer shall be eligible for a
36 monthly grant from the fund, except that a Missouri qualified fuel ethanol
37 producer shall only be eligible for the grant for a total of sixty months unless
38 such producer during those sixty months failed, due to a lack of appropriations,
39 to receive the full amount from the fund for which they were eligible, in which
40 case such producers shall continue to be eligible for up to twenty-four additional
41 months or until they have received the maximum amount of funding for which
42 they were eligible during the original sixty-month time period. The amount of the
43 grant is determined by calculating the estimated gallons of qualified fuel ethanol
44 production to be produced from Missouri agricultural products **or qualified**
45 **biomass** for the succeeding calendar month, as certified by the department of
46 agriculture, and applying such figure to the per-gallon incentive credit
47 established in this subsection. Each Missouri qualified fuel ethanol producer
48 shall be eligible for a total grant in any fiscal year equal to twenty cents per
49 gallon for the first twelve and one-half million gallons of qualified fuel ethanol
50 produced from Missouri agricultural products **or qualified biomass** in the fiscal
51 year plus five cents per gallon for the next twelve and one-half million gallons of
52 qualified fuel ethanol produced from Missouri agricultural products **or qualified**
53 **biomass** in the fiscal year. All such qualified fuel ethanol produced by a
54 Missouri qualified fuel ethanol producer in excess of twenty-five million gallons
55 shall not be applied to the computation of a grant pursuant to this
56 subsection. The department of agriculture shall pay all grants for a particular
57 month by the fifteenth day after receipt and approval of the application described
58 in subsection 4 of this section. If actual production of qualified fuel ethanol

59 during a particular month either exceeds or is less than that estimated by a
60 Missouri qualified fuel ethanol producer, the department of agriculture shall
61 adjust the subsequent monthly grant by paying additional amount or subtracting
62 the amount in deficiency by using the calculation described in this subsection.

63 4. In order for a Missouri qualified fuel ethanol producer to obtain a grant
64 from the fund for a particular month, an application for such funds shall be
65 received no later than fifteen days prior to the first day of the month for which
66 the grant is sought. The application shall include:

67 (1) The location of the Missouri qualified fuel ethanol producer;

68 (2) The average number of citizens of Missouri employed by the Missouri
69 qualified fuel ethanol producer in the preceding quarter, if applicable;

70 (3) The number of bushels of Missouri agricultural commodities **or green**
71 **weight tons of qualified biomass** used by the Missouri qualified fuel ethanol
72 producer in the production of fuel ethanol in the preceding quarter;

73 (4) The number of gallons of qualified fuel ethanol the producer expects
74 to manufacture during the month for which the grant is applied;

75 (5) A copy of the qualified fuel ethanol producer license required pursuant
76 to subsection 5 of this section, name and address of surety company, and amount
77 of bond to be posted pursuant to subsection 5 of this section; and

78 (6) Any other information deemed necessary by the department of
79 agriculture to adequately ensure that such grants shall be made only to Missouri
80 qualified fuel ethanol producers.

81 5. The director of the department of agriculture, in consultation with the
82 department of revenue **and the department of conservation**, shall promulgate
83 rules and regulations necessary for the administration of the provisions of this
84 section. The director shall also establish procedures for bonding Missouri
85 qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer
86 who attempts to obtain moneys pursuant to this section shall be bonded in an
87 amount not to exceed the estimated maximum monthly grant to be issued to such
88 Missouri qualified fuel ethanol producer.

89 6. Any rule or portion of a rule, as that term is defined in section 536.010,
90 RSMo, that is created under the authority delegated in this section shall become
91 effective only if it complies with and is subject to all of the provisions of chapter
92 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter
93 536, RSMo, are nonseverable and if any of the powers vested with the general
94 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date

95 or to disapprove and annul a rule are subsequently held unconstitutional, then
96 the grant of rulemaking authority and any rule proposed or adopted after August
97 28, 2002, shall be invalid and void.

98 **7. Notwithstanding any other provision of this section to the**
99 **contrary, beginning January 1, 2009, through December 31, 2019, the**
100 **economic subsidies provided under this section to Missouri qualified**
101 **fuel ethanol producers of fuel ethanol made from qualified biomass**
102 **shall only be provided to two qualified fuel ethanol producers and shall**
103 **not cumulatively exceed seven and one half million dollars per**
104 **qualified fuel ethanol producer. Prior to January 1, 2009, and after**
105 **December 31, 2019, Missouri qualified fuel ethanol producers of fuel**
106 **ethanol made from qualified biomass shall be ineligible for economic**
107 **subsidies under this section.**

142.815. 1. Motor fuel used for the following nonhighway purposes is
2 exempt from the fuel tax imposed by this chapter, and a refund may be claimed
3 by the consumer, except as provided for in subsection (1) of this section, if the tax
4 has been paid and no refund has been previously issued:

5 (1) Motor fuel used for nonhighway purposes including fuel for farm
6 tractors or stationary engines owned or leased and operated by any person and
7 used exclusively for agricultural purposes and including, beginning January 1,
8 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and
9 delivered by the ultimate vender to a farm location for agricultural purposes only.
10 As used in this section, the term "farmer" shall mean any person engaged in
11 farming in an authorized farm corporation, family farm, or family farm
12 corporation as defined in section 350.010, RSMo. At the discretion of the ultimate
13 vender, the refund may be claimed by the ultimate vender on behalf of the
14 consumer for sales made to farmers and to persons engaged in construction for
15 agricultural purposes as defined in section 142.800. After December 31, 2000, the
16 refund may be claimed only by the consumer and may not be claimed by the
17 ultimate vender unless bulk sales of gasoline are made to a farmer after January
18 1, 2006, as provided in this subdivision and the farmer provides an exemption
19 certificate to the ultimate vender, in which case the ultimate vender may make
20 a claim for refund under section 142.824 but shall be liable for any erroneous
21 refund;

22 (2) Kerosene sold for use as fuel to generate power in aircraft engines,
23 whether in aircraft or for training, testing or research purposes of aircraft

24 engines;

25 (3) Diesel fuel used as heating oil, or in railroad locomotives or any other
26 motorized flanged-wheel rail equipment, or used for other nonhighway purposes
27 other than as expressly exempted pursuant to another provision.

28 2. Subject to the procedural requirements and conditions set out in this
29 chapter, the following uses are exempt from the tax imposed by section 142.803
30 on motor fuel, and a deduction or a refund may be claimed:

31 (1) Motor fuel for which proof of export is available in the form of a
32 terminal-issued destination state shipping paper and which is either:

33 (a) Exported by a supplier who is licensed in the destination state or
34 through the bulk transfer system;

35 (b) Removed by a licensed distributor for immediate export to a state for
36 which all the applicable taxes and fees (however nominated in that state) of the
37 destination state have been paid to the supplier, as a trustee, who is licensed to
38 remit tax to the destination state; or which is destined for use within the
39 destination state by the federal government for which an exemption has been
40 made available by the destination state subject to procedural rules and
41 regulations promulgated by the director; or

42 (c) Acquired by a licensed distributor and which the tax imposed by this
43 chapter has previously been paid or accrued either as a result of being stored
44 outside of the bulk transfer system immediately prior to loading or as a diversion
45 across state boundaries properly reported in conformity with this chapter and was
46 subsequently exported from this state on behalf of the distributor;

47 The exemption pursuant to paragraph (a) of this subdivision shall be claimed by
48 a deduction on the report of the supplier which is otherwise responsible for
49 remitting the tax upon removal of the product from a terminal or refinery in this
50 state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall
51 be claimed by the distributor, upon a refund application made to the director
52 within three years. A refund claim may be made monthly or whenever the claim
53 exceeds one thousand dollars;

54 (2) Undyed K-1 kerosene sold at retail through dispensers which have
55 been designed and constructed to prevent delivery directly from the dispenser
56 into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through
57 nonbarricaded dispensers in quantities of not more than twenty-one gallons for
58 use other than for highway purposes. Exempt use of undyed kerosene shall be
59 governed by rules and regulations of the director. If no rules or regulations are

60 promulgated by the director, then the exempt use of undyed kerosene shall be
61 governed by rules and regulations of the Internal Revenue Service. A distributor
62 or supplier delivering to a retail facility shall obtain an exemption certificate from
63 the owner or operator of such facility stating that its sales conform to the
64 dispenser requirements of this subdivision. A licensed distributor, having
65 obtained such certificate, may provide a copy to his or her supplier and obtain
66 undyed kerosene without the tax levied by section 142.803. Having obtained such
67 certificate in good faith, such supplier shall be relieved of any responsibility if the
68 fuel is later used in a taxable manner. An ultimate vendor who obtained undyed
69 kerosene upon which the tax levied by section 142.803 had been paid and makes
70 sales qualifying pursuant to this subsection may apply for a refund of the tax
71 pursuant to application, as provided in section 142.818, to the director provided
72 the ultimate vendor did not charge such tax to the consumer;

73 (3) Motor fuel sold to the United States or any agency or instrumentality
74 thereof. This exemption shall be claimed as provided in section 142.818;

75 (4) **Motor fuel used solely and exclusively as fuel to propel school**
76 **buses, as such term is defined under subdivision (19) of section 302.010,**
77 **RSMo, on the public roads and highways of this state when leased or**
78 **owned and when being operated by a public school district of this state,**
79 **or leased or owned by a person under contract with such district for**
80 **the provision of bus services for educational purposes. The exemption**
81 **for use under this subdivision shall be made available to the school**
82 **district for whose educational purposes the fuel is consumed, whether**
83 **the fuel was purchased by such school district or by another under a**
84 **contract to provide bus service for such school district, upon a refund**
85 **application stating that the motor fuel was purchased for the exclusive**
86 **use of the school districts.**

87 (5) Motor fuel used solely and exclusively as fuel to propel motor vehicles
88 on the public roads and highways of this state when leased or owned and when
89 being operated by a federally recognized Indian tribe in the performance of
90 essential governmental functions, such as providing police, fire, health or water
91 services. The exemption for use pursuant to this subdivision shall be made
92 available to the tribal government upon a refund application stating that the
93 motor fuel was purchased for the exclusive use of the tribe in performing named
94 essential governmental services;

95 [(5)] (6) Motor fuel sold within an Indian reservation or within Indian

96 country by a federally recognized Indian tribe to a member of that tribe and used
97 in motor vehicles owned by a member of the tribe within Indian country. This
98 exemption does not apply to sales within an Indian reservation or within Indian
99 country by a federally recognized Indian tribe to non-Indian consumers or to
100 Indian consumers who are not members of the tribe selling the motor fuel. This
101 exemption shall be administered as provided in section 142.821;

102 **[(6)] (7)** That portion of motor fuel used to operate equipment attached
103 to a motor vehicle, if the motor fuel was placed into the fuel supply tank of a
104 motor vehicle that has a common fuel reservoir for travel on a highway and for
105 the operation of equipment, or if the motor fuel was placed in a separate fuel tank
106 and used only for the operation of auxiliary equipment. The exemption for use
107 pursuant to this subdivision shall be claimed by a refund claim filed by the
108 consumer who shall provide evidence of an allocation of use satisfactory to the
109 director;

110 **[(7)] (8)** Motor fuel acquired by a consumer out-of-state and carried into
111 this state, retained within and consumed from the same vehicle fuel supply tank
112 within which it was imported, except interstate motor fuel users;

113 **[(8)] (9)** Motor fuel which was purchased tax-paid and which was lost or
114 destroyed as a direct result of a sudden and unexpected casualty or which had
115 been accidentally contaminated so as to be unsalable as highway fuel as shown
116 by proper documentation as required by the director. The exemption pursuant
117 to this subdivision shall be refunded to the person or entity owning the motor fuel
118 at the time of the contamination or loss. Such person shall notify the director in
119 writing of such event and the amount of motor fuel lost or contaminated within
120 ten days from the date of discovery of such loss or contamination, and within
121 thirty days after such notice, shall file an affidavit sworn to by the person having
122 immediate custody of such motor fuel at the time of the loss or contamination,
123 setting forth in full the circumstances and the amount of the loss or
124 contamination and such other information with respect thereto as the director
125 may require;

126 **[(9)] (10)** Dyed diesel fuel or dyed kerosene used for an exempt purpose.
127 This exemption shall be claimed as follows:

128 (a) A supplier or importer shall take a deduction against motor fuel tax
129 owed on their monthly report for those gallons of dyed diesel fuel or dyed
130 kerosene imported or removed from a terminal or refinery destined for delivery
131 to a point in this state as shown on the shipping papers;

132 (b) This exemption shall be claimed by a deduction on the report of the
133 supplier which is otherwise responsible for remitting the tax on removal of the
134 product from a terminal or refinery in this state;

135 (c) This exemption shall be claimed by the distributor, upon a refund
136 application made to the director within three years. A refund claim may be made
137 monthly or whenever the claim exceeds one thousand dollars.

143.114. 1. As used in this section, the following terms mean:

2 (1) "Motor vehicle", any self-propelled vehicle not operated
3 exclusively upon tracks, except farm tractors;

4 (2) "Qualified hybrid motor vehicle", any motor vehicle licensed
5 under chapter 301, RSMo, and:

6 (a) Which meets the definition of new qualified hybrid motor
7 vehicle in section 30B(d)(3)(A) of the Internal Revenue Code of 1986, as
8 amended, and assembled in the United States of America;

9 (b) The original use of which commences with the taxpayer; and

10 (c) Which is acquired for use by the taxpayer and not for resale.

11 2. For the tax year beginning on January 1, 2009, any taxpayer
12 who purchases a qualified hybrid vehicle shall be allowed to subtract
13 from the taxpayer's Missouri adjusted gross income to determine
14 Missouri taxable income, for the tax year in which the taxpayer
15 purchases the vehicle, an amount equal to one thousand five hundred
16 dollars or ten percent of the purchase price of the vehicle, whichever
17 is less.

18 3. The director of revenue shall establish the procedure by which
19 the deduction in this section may be claimed, and shall promulgate
20 rules to provide for the submission of documents by the taxpayer
21 proving the purchase price and date of the qualified hybrid motor
22 vehicle and to implement the provisions of this section.

23 4. Any rule or portion of a rule, as that term is defined in section
24 536.010, RSMo, that is created under the authority delegated in this
25 section shall become effective only if it complies with and is subject to
26 all of the provisions of chapter 536, RSMo, and, if applicable, section
27 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
28 and if any of the powers vested with the general assembly pursuant to
29 chapter 536, RSMo, to review, to delay the effective date, or to
30 disapprove and annul a rule are subsequently held unconstitutional,
31 then the grant of rulemaking authority and any rule proposed or

32 adopted after August 28, 2008, shall be invalid and void.

143.128. 1. For purposes of this section, the term "E-85 gasoline"
2 shall mean ethanol blended gasoline formulated with a minimum
3 percentage of between seventy-five and eighty-five percent by volume
4 of ethanol, "biodiesel" shall mean fuel as defined in ASTM Standard D-
5 6751 or its subsequent standard specifications for biodiesel fuel (B100)
6 blend stock for distillate fuels, and "biodiesel-blended fuel" shall mean
7 a blend of biodiesel and conventional diesel fuel. For all tax years
8 beginning on or after January 1, 2009, a taxpayer who purchases E-85
9 gasoline, biodiesel, or biodiesel-blended fuel in a tax year shall be
10 allowed to claim a tax credit against the tax otherwise due under this
11 chapter, excluding sections 143.191 to 143.265, in the following amounts:

12 (1) For calendar year 2009, the amount of the credit shall be
13 equal to twenty-five cents per gallon of E-85 gasoline or equal to five
14 cents per gallon of biodiesel or biodiesel-blended fuel purchased by the
15 taxpayer;

16 (2) For calendar years 2010 and 2011, the amount of the credit
17 shall be equal to twenty cents per gallon of E-85 gasoline or equal to
18 three cents per gallon of biodiesel or biodiesel-blended fuel purchased
19 by the taxpayer;

20 (3) For calendar year 2012 and each subsequent calendar year,
21 the amount of the credit shall be equal to fifteen cents per gallon of E-
22 85 gasoline or equal to five cents per gallon of biodiesel or biodiesel-
23 blended fuel purchased by the taxpayer.

24 2. The amount of credits claimed per taxpayer annually shall not
25 exceed five hundred dollars. The minimum amount of tax credits a
26 taxpayer may claim shall not be less than fifty dollars. A taxpayer shall
27 claim the credit allowed by this section at the time such taxpayer files
28 a return. In the event the amount of the tax credit provided under this
29 section exceeds a taxpayer's income tax liability, no refund shall result,
30 but such excess tax credits may be carried forward to any of the
31 taxpayer's three subsequent tax years. The aggregate amount of tax
32 credits which may be redeemed in any fiscal year shall not exceed five
33 hundred thousand dollars. The tax credit shall be available regardless
34 of whether the taxpayer opts to take a standard deduction. The
35 department of revenue is authorized to adopt any rule or regulations
36 deemed necessary for the effective administration of this section. Any

37 rule or portion of a rule, as that term is defined in section 536.010,
38 RSMo, that is created under the authority delegated in this section
39 shall become effective only if it complies with and is subject to all of
40 the provisions of chapter 536, RSMo, and if applicable, section 536.028,
41 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
42 of the powers vested with the general assembly pursuant to chapter
43 536, RSMo, to review, to delay the effective date, or to disapprove and
44 annul a rule are subsequently held unconstitutional, then the grant of
45 rulemaking authority and any rule proposed or adopted after August
46 28, 2008, shall be invalid and void.

47 3. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

48 (1) The provisions of the new program authorized under this
49 section shall sunset automatically six years after the effective date of
50 this section unless reauthorized by an act of the general assembly; and

51 (2) If such program is reauthorized, the program authorized
52 under this section shall sunset automatically twelve years after the
53 effective date of the reauthorization of this section; and

54 (3) This section shall terminate on September first of the
55 calendar year immediately following the calendar year in which the
56 program authorized under this section is sunset.

57 4. Nothing in this section shall be construed as authorizing,
58 approving, or condoning the violation of a motor vehicle
59 manufacturer's stated warranty with regard to recommended fuel use.

144.053. 1. As used in this section, "machinery and equipment"
2 means new or used farm tractors and such other new or used
3 machinery and equipment and repair or replacement parts thereon,
4 and supplies and lubricants used exclusively, solely, and directly for
5 the planting, harvesting, processing, or transporting of a forestry
6 product, and the purchase of motor fuel, as defined in section 142.800,
7 RSMo, therefor which is:

8 (1) Used exclusively for forestry purposes;

9 (2) Used on land owned or leased for the purpose of planting,
10 harvesting, processing, or transporting forestry products; and

11 (3) Used directly in planting, harvesting, processing, or
12 transporting forestry products.

13 2. Notwithstanding any other provision of law to the contrary,
14 for purposes of department of revenue administrative interpretation,

15 all machinery and equipment used solely for the planting, harvesting,
16 processing, or transporting of a forestry product shall be considered
17 farm machinery, and shall be exempt from state and local sales and use
18 tax, as provided for other farm machinery in section 144.030.

144.063. 1. In addition to all other exemptions granted under
2 this chapter, there is also specifically exempted from the provisions of
3 the local sales tax law as defined in section 32.085, RSMo, section
4 238.235, RSMo, and sections 144.010 to 144.761 and from the
5 computation of the tax levied, assessed or payable under the local sales
6 tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and
7 sections 144.010 to 144.761, all sales of fencing materials used for
8 agricultural purposes.

9 2. The provisions of this section shall expire six years from the
10 effective date of this act.

144.065. 1. In addition to all other exemptions granted under
2 this chapter, there is also specifically exempted from the provisions of
3 the local sales tax law as defined in section 32.085, RSMo, section
4 238.235, RSMo, and sections 144.010 to 144.761 and from the
5 computation of the tax levied, assessed or payable under the local sales
6 tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and
7 sections 144.010 to 144.761, all sales of motor fuel, as defined in section
8 142.800, RSMo, which is:

- 9 (1) Used exclusively for agricultural purposes;
10 (2) Used on land owned or leased for the purpose of producing
11 farm products; and
12 (3) Used directly in producing farm products to be sold
13 ultimately in processed form or otherwise at retail or in producing
14 farm products to be fed to livestock or poultry to be sold ultimately in
15 processed form at retail.

16 2. The provisions of this section shall expire six years from the
17 effective date of this act.

231.444. 1. In addition to other levies authorized by law, the governing
2 body of any county of the third classification without a township form of
3 government having a population [in excess of four thousand two hundred and less
4 than six thousand] of less than six thousand inhabitants according to the
5 most recent decennial census or any county of the third classification without a
6 township form of government and with more than two thousand three hundred

7 but fewer than two thousand four hundred inhabitants may by ordinance levy and
8 impose a tax pursuant to this section which shall not exceed the rate of
9 [twenty-five cents] **one dollar** on each acre of real property in the county which
10 is classified as agricultural and horticultural property pursuant to section
11 137.016, RSMo.

12 2. The proceeds of the tax authorized pursuant to this section shall be
13 collected by the county collector and remitted to the county treasurer who shall
14 deposit such proceeds in a special fund to be known as the "Special Road Rock
15 Fund". All moneys in the special road rock fund shall be appropriated by the
16 county governing body for the sole purpose of purchasing road rock to be placed
17 on county roads within the boundaries of the county.

18 3. The ordinance levying and imposing a tax pursuant to subsection 1 of
19 this section shall not be effective unless the county governing body submits to the
20 qualified voters of the county a proposal to authorize the county governing body
21 to levy and impose the tax at an election permitted pursuant to section 115.123,
22 RSMo. The ballot of submission proposing the tax shall be in substantially the
23 following form:

24 Shall the county of (county's name) be
25 authorized to levy and impose a tax on all real property in the county which is
26 classified as agricultural or horticultural property at a rate not to exceed
27 (rate of tax) [cents] per acre with all the proceeds of the tax to be placed
28 in the "Special Road Rock Fund" and used solely for the purpose of purchasing
29 road rock to be placed on county roads within the boundaries of the county?

30 ☐ YES ☐ NO

31 4. If a majority of the qualified voters of the county voting on the proposal
32 vote "YES", then the governing body of the county may by ordinance levy and
33 impose the tax authorized by this section in an amount not to exceed the rate
34 proposed in the ballot of submission. If a majority of the qualified voters of the
35 county voting on the proposal vote "NO", then the governing body of the county
36 shall not levy and impose such tax. Nothing in this section shall prohibit a
37 rejected proposal from being resubmitted to the qualified voters of the county at
38 an election permitted pursuant to section 115.123, RSMo.

260.546. 1. In the event that a hazardous substance release occurs for
2 which a political subdivision or volunteer fire protection association as defined
3 in section 320.300, RSMo, provides emergency services, the person having control
4 over a hazardous substance shall be liable for such reasonable [cleanup] **and**

5 **necessary** costs incurred by the political subdivision or volunteer fire protection
6 association **while securing an emergency situation or cleaning up any**
7 **hazardous substances.** Such liability includes the cost of materials[,] **and**
8 supplies [and contractual services] actually used to secure [an] **the** emergency
9 situation. The liability may also include the cost for contractual services which
10 are not routinely provided by the department or political subdivision or volunteer
11 fire protection association. Such liability shall not include the cost of normal
12 services which otherwise would have been provided. Such liability shall not
13 include budgeted administrative costs or the costs for duplicate services if
14 multiple response teams are requested by the department or political subdivision
15 unless, in the opinion of the department or political subdivision, duplication of
16 service was required to protect the public health and environment. [Such liability
17 shall be established upon receipt by] **No later than sixty days after the**
18 **completion of the cleanup of the release of a hazardous substance, the**
19 **political subdivision or volunteer fire protection association shall**
20 **submit to** the person having control of the spilled hazardous substance [of] an
21 itemized statement of costs provided by the political subdivision. **The statement**
22 **of costs shall include but not be limited to an explanation of why the**
23 **costs were reasonable and necessary. The explanation shall describe**
24 **how such costs were not duplicative, did not include costs for normal**
25 **services that would otherwise have been provided, and why contractual**
26 **services, if any, were utilized in the response to the emergency**
27 **situation. Response and cleanup costs are eligible for reimbursement**
28 **if the initial response and assessment to a release of a hazardous**
29 **substance was based on best practices and in a manner that any**
30 **prudent political subdivision or volunteer fire protection association**
31 **would respond to a release of a hazardous substance. Such response**
32 **and cleanup costs may also include the cost for contractual services**
33 **which are not routinely provided by the department or political**
34 **subdivision or volunteer fire protection association. Such costs shall**
35 **not include the cost of normal services which otherwise would have**
36 **been provided.**

37 2. Full payment shall be made within thirty days of receipt of the cost
38 statement unless the person having control over the hazardous substance contests
39 the amount of the costs pursuant to this section. If the person having control
40 over the hazardous substance elects to contest the payment of such costs, [he]

41 **such person** shall file an appeal with the director within thirty days of receipt
42 of the cost statement.

43 3. Upon receipt of such an appeal, the director shall notify the parties
44 involved of the appeal and collect such evidence from the parties involved as [he]
45 **the director** deems necessary to make a determination of reasonable cleanup
46 costs. **The burden of proof shall be on the political subdivision or**
47 **volunteer fire protection district to document and justify such costs**
48 **allowed under subsection 1 of this section.** Within [thirty] sixty days of
49 notification of the appeal, the director shall notify the parties of his **or her**
50 decision. The director shall direct the person having control over a hazardous
51 substance to pay those costs [he] **the director** finds to be reasonable and
52 appropriate. The determination of the director shall become final thirty days
53 after receipt of the notice by the parties involved unless prior to such date one of
54 the involved parties files a petition for judicial review pursuant to chapter 536,
55 RSMo.

56 4. The political subdivision or volunteer fire protection association may
57 apply to the department for reimbursement from the hazardous waste fund
58 created in section 260.391 for the costs for which the person having control over
59 a hazardous substance shall be liable if the political subdivision or volunteer fire
60 protection association is able to demonstrate a need for immediate relief for such
61 costs and believes it will not receive prompt payment from the person having
62 control over a hazardous substance. When the liability owed to the political
63 subdivision or volunteer fire protection association by the person having control
64 over a hazardous substance is paid, the political subdivision or volunteer fire
65 protection association shall reimburse the department for any payment it has
66 received from the hazardous waste fund. Such reimbursement to a political
67 subdivision or volunteer fire protection association by the department shall be
68 paid back to the department by the political subdivision or volunteer fire
69 protection association within that time limit imposed by the department
70 notwithstanding failure of the person having control over a hazardous substance
71 to reimburse the political subdivision or volunteer fire protection association
72 within that time.

261.035. 1. There is hereby created in the state treasury for the use of
2 the [marketing] **agriculture business development** division of the state
3 department of agriculture a fund to be known as "The [Marketing] **Agriculture**
4 **Business Development Fund**". All moneys received by the state department of

5 agriculture for marketing development from any source within the state shall be
6 deposited in the fund.

7 2. Moneys deposited in the fund shall, upon appropriation by the general
8 assembly to the state department of agriculture, be expended by the state
9 department of agriculture for purposes of agricultural marketing development
10 and for no other purposes.

11 3. The unexpended balance in the [marketing] **agriculture business**
12 development fund at the end of the biennium shall not be transferred to the
13 ordinary revenue fund of the state treasury and accordingly shall be exempt from
14 the provisions of section 33.080, RSMo, relating to transfer of funds to the
15 ordinary revenue funds of the state by the state treasurer.

261.112. 1. There is hereby created the Farm Mentoring and
2 **Education Authority, which shall be housed within the University of**
3 **Missouri Extension Service. The authority shall administer the farm**
4 **mentoring and education program, which shall help individuals plan**
5 **and begin sustainable farm enterprises by providing educational**
6 **programming that combines classroom training with support training**
7 **such as workshops, apprenticeships, and mentorships. In the**
8 **performance of its duties and selection of specific training and**
9 **projects, the authority shall fulfill the goal of facilitating new farms**
10 **and new farmers, guided by the following principles:**

11 (1) The program shall provide education and training, giving
12 participants an opportunity to learn firsthand about low-cost,
13 traditional, and sustainable methods of farming through classroom
14 instruction;

15 (2) The authority shall develop beyond the classroom, a
16 mentoring system, pairing participants with experienced farmers to
17 give participants firsthand opportunities to learn about traditional and
18 sustainable agriculture within the state;

19 (3) The authority shall exercise diligence and care in the
20 selection of its projects and program participants;

21 (4) The authority shall promote the program across the state,
22 endeavoring to reach both traditional full-time farmers and individuals
23 pursuing various agriculture commodities niches; and

24 (5) The authority shall have the ability to establish and oversee
25 new training sites throughout the state.

26 2. To facilitate reaching all parts of the state, each calendar year

27 the authority shall administer the educational programming required
28 by this section through a university extension service office located in
29 a different extension service region from that of the office through
30 which the programming was administered the immediately preceding
31 year.

32 3. There is hereby created in the state treasury the "Farm
33 Mentoring and Education Fund", which shall consist of moneys
34 appropriated from the general revenue fund and any other moneys
35 made available by gift, grant, bequest or contribution. All moneys
36 appropriated or otherwise awarded to the fund shall be payable to the
37 state treasurer and deposited into the farm mentoring and education
38 fund. The fund shall be administered by the authority created in this
39 section. Moneys appropriated to the fund shall be used to provide the
40 educational programming required by this section and a salary for a
41 director and staff for the authority. The general assembly may
42 appropriate up to ninety-nine thousand dollars per fiscal year to the
43 fund. Any moneys remaining in the fund at the end of each fiscal year
44 shall not revert to the credit of the general revenue fund, except that
45 at the end of each biennium and after all statutorily or constitutionally
46 required transfer of funds have been made, the state treasurer shall
47 transfer the balance in the fund, except for gifts, donations, bequests,
48 or money received from a federal source, created in this section in
49 excess of two hundred percent of the previous fiscal year's
50 expenditures into the state general revenue fund.

51 4. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

52 (1) The provisions of the new program authorized under this
53 section shall automatically sunset six years after the effective date of
54 this section unless reauthorized by an act of the general assembly; and

55 (2) If such program is reauthorized, the program authorized
56 under this section shall automatically sunset six years after the
57 effective date of the reauthorization of this section; and

58 (3) This section shall terminate on September first of the
59 calendar year immediately following the calendar year in which the
60 program authorized under this section is sunset.

261.230. The director of the department of agriculture shall, for the use
2 of the [marketing] agriculture business development division of the
3 department of agriculture, develop and implement rules and regulations by

4 product category for all Missouri agricultural products included in the
5 AgriMissouri marketing program.

261.235. 1. There is hereby created in the state treasury for the use of
2 the [marketing] **agriculture business development** division of the state
3 department of agriculture a fund to be known as "The [Missouri Agricultural
4 Products Marketing Development] **AgriMissouri** Fund". All moneys received by
5 the state department of agriculture for Missouri agricultural products marketing
6 development from any source, including trademark fees, shall be deposited in the
7 fund. Moneys deposited in the fund shall, upon appropriation by the general
8 assembly to the state department of agriculture, be expended by the [marketing]
9 **agriculture business development** division of the state department of
10 agriculture for promotion of Missouri agricultural products under the
11 AgriMissouri program. The unexpended balance in the [Missouri agricultural
12 products marketing development] **AgriMissouri** fund at the end of the biennium
13 shall not be transferred to the general revenue fund of the state treasury and
14 accordingly shall be exempt from the provisions of section 33.080, RSMo, relating
15 to transfer of funds to the ordinary revenue funds of the state by the state
16 treasurer.

17 2. There is hereby created within the department of agriculture the
18 "[Citizens] **AgriMissouri** Advisory Commission [for Marketing Missouri
19 Agricultural Products]". The commission shall establish guidelines, and make
20 recommendations to the director of agriculture, for the use of funds appropriated
21 by the general assembly for the [marketing] **agriculture business**
22 **development** division of the department of agriculture, and for all funds
23 collected or appropriated to the [Missouri agricultural products marketing
24 development] **AgriMissouri** fund created pursuant to subsection 1 of this
25 section. The guidelines shall focus on the promotion of the AgriMissouri
26 trademark associated with Missouri agricultural products that have been
27 approved by the general assembly, and shall advance the following objectives:

28 (1) Increasing the impact and fostering the effectiveness of local efforts
29 to promote Missouri agricultural products;

30 (2) Enabling and encouraging expanded advertising efforts for Missouri
31 agricultural products;

32 (3) Encouraging effective, high-quality advertising projects, innovative
33 marketing strategies, and the coordination of local, regional and statewide
34 marketing efforts;

35 (4) Providing training and technical assistance to cooperative-marketing
36 partners of Missouri agricultural products.

37 3. The commission may establish a fee structure for sellers electing to use
38 the AgriMissouri trademark associated with Missouri agricultural
39 products. Under the fee structure:

40 (1) A seller having gross annual sales greater than two million dollars per
41 fiscal year of Missouri agricultural products which constitute the final product of
42 a series of processes or activities shall remit to the [marketing] **agriculture**
43 **business development** division of the department of agriculture, at such times
44 and in such manner as may be prescribed, a trademark fee of one-half of one
45 percent of the aggregate amount of all of such seller's wholesale sales of products
46 carrying the AgriMissouri trademark; and

47 (2) All sellers having gross annual sales less than or equal to two million
48 dollars per fiscal year of Missouri agricultural products which constitute the final
49 product of a series of processes or activities shall, after three years of selling
50 Missouri agricultural products carrying the AgriMissouri trademark, remit to the
51 [marketing] **agriculture business development** division of the department of
52 agriculture, at such times and in such manner as may be prescribed, a trademark
53 fee of one-half of one percent of the aggregate amount of all of such seller's
54 wholesale sales of products carrying the AgriMissouri trademark.

55 All trademark fees shall be deposited to the credit of the [Missouri agricultural
56 products marketing development] **AgriMissouri** fund, created pursuant to this
57 section.

58 4. The [marketing] **agriculture business development** division of the
59 department of agriculture is authorized to promulgate rules consistent with the
60 guidelines and fee structure established by the commission. No rule or portion
61 of a rule shall become effective unless it has been promulgated pursuant to the
62 provisions of chapter 536, RSMo.

63 5. The commission shall consist of nine members appointed by the
64 governor with the advice and consent of the senate. One member shall be the
65 director of the [market] **agriculture business** development division of the
66 department of agriculture, or his or her representative. At least one member
67 shall be a specialist in advertising; at least one member shall be a specialist in
68 agribusiness; at least one member shall be a specialist in the retail grocery
69 business; at least one member shall be a specialist in communications; at least
70 one member shall be a specialist in product distribution; at least one member

71 shall be a family farmer with expertise in livestock farming; at least one member
72 shall be a family farmer with expertise in grain farming and at least one member
73 shall be a family farmer with expertise in organic farming. Members shall serve
74 for four-year terms, except in the first appointments three members shall be
75 appointed for terms of four years, three members shall be appointed for terms of
76 three years and three members shall be appointed for terms of two years
77 each. Any member appointed to fill a vacancy of an unexpired term shall be
78 appointed for the remainder of the term of the member causing the vacancy. The
79 governor shall appoint a chairperson of the commission, subject to ratification by
80 the commission.

81 6. Commission members shall receive no compensation but shall be
82 reimbursed for actual and necessary expenses incurred in the performance of
83 their official duties on the commission. The division of **[market] agriculture**
84 **business** development of the department of agriculture shall provide all
85 necessary staff and support services as required by the commission to hold
86 commission meetings, to maintain records of official acts and to conduct all other
87 business of the commission. The commission shall meet quarterly and at any
88 such time that it deems necessary. Meetings may be called by the chairperson
89 or by a petition signed by a majority of the members of the commission. Ten
90 days' notice shall be given in writing to such members prior to the meeting date.
91 A simple majority of the members of the commission shall be present to constitute
92 a quorum. Proxy voting shall not be permitted.

261.239. The **[marketing] agriculture business development** division
2 of the department of agriculture shall create an Internet web site for the purpose
3 of fostering the marketing of Missouri agricultural products over the Internet.

263.232. It shall be the duty of any person or persons, association of
2 persons, corporations, partnerships, the state highways and transportation
3 commission, any state department, any state agency, the county commissions, the
4 township boards, school boards, drainage boards, the governing bodies of
5 incorporated cities, railroad companies and other transportation companies or
6 their authorized agents and those supervising state-owned lands:

7 (1) To control and eradicate the spread of cut-leaved teasel (*Dipsacus*
8 *laciniatus*) and common teasel (*Dipsacus fullonum*), which are hereby designated
9 as noxious and dangerous weeds to agriculture, by methods approved by the
10 **United States** Environmental Protection Agency and in compliance with the
11 manufacturer's label instructions **when chemical herbicides are used for**

12 **such purpose; [and]**

13 (2) To control the spread of kudzu vine (*Pueraria lobata*), which is hereby
14 designated as a noxious and dangerous weed to agriculture, by methods approved
15 by the **United States** Environmental Protection Agency and in compliance and
16 conformity with the manufacturer's label instructions **when chemical**
17 **herbicides are used for such purpose;**

18 (3) To control the spread of spotted knapweed (*Centaurea stoebe*
19 *ssp. micranthos*), which is hereby designated as a noxious and
20 dangerous weed to agriculture, by methods approved by the United
21 States Environmental Protection Agency and in compliance and
22 conformity with the manufacturer's label instructions **when chemical**
23 **herbicides are used for such purpose.**

265.200. The executive board of the Missouri state horticultural society
2 shall have the power and duty:

3 (1) To authorize the director to expend, within the appropriations
4 provided therefor, a designated amount of the moneys in the apple merchandising
5 fund in the enforcement of sections 265.130 and 265.140, referring to the labeling
6 of apples.

7 (2) To authorize the director to expend, within the appropriations
8 provided therefor, a reasonable amount of the moneys in the apple merchandising
9 fund in the administration of sections 265.150 to 265.180, referring to the
10 collection of levies imposed by this chapter.

11 (3) To authorize the director to apportion, within the appropriations
12 provided therefor, a reasonable amount of the moneys in the apple merchandising
13 fund to the [marketing] **agriculture business** development fund.

14 (4) To plan and to authorize the director to conduct a campaign of
15 education, advertising, publicity and sales promotion to increase the consumption
16 of Missouri apples and the director may contract for any advertising, publicity
17 and sales promotion service. To accomplish such purpose the director shall have
18 power and it shall be the duty of the director, within the appropriations provided
19 therefor, to disseminate information:

20 (a) Relating to apples and the importance thereof in preserving the public
21 health, the economy thereof in the diet of the people, and the importance thereof
22 in the nutrition of children;

23 (b) Relating to the problem of furnishing the consumer at all times with
24 a supply of good quality apples at reasonable prices;

25 (c) Relating to such other, further and additional information as shall
26 tend to promote increased consumption of Missouri apples, and as may foster a
27 better understanding and more efficient cooperation between producers, dealers
28 and the consuming public.

29 (5) To cooperate with other state, regional and national agricultural
30 organizations and may at its discretion authorize the director to expend within
31 the appropriations provided therefor moneys of the apple merchandising fund for
32 such purposes.

**267.168. 1. The state of Missouri may support a voluntary animal
2 identification program. The department of agriculture shall not
3 mandate or otherwise force national animal identification system
4 (NAIS) premises registration without specific statutory authorization
5 from the Missouri general assembly.**

**6 2. Any person who participates in the national animal
7 identification system may withdraw from the system at any time. All
8 personal information relating to a participant shall be deleted from the
9 system when the participant withdraws, unless the participant is part
10 of an ongoing disease investigation.**

**348.230. 1. The Missouri agricultural and small business
2 development authority, subject to appropriation not to exceed two
3 hundred fifty thousand dollars, shall pay for the first full year of
4 charged interest on any applicable Missouri linked deposit program
5 loan, as provided in sections 30.750 to 30.850, RSMo. For the purpose
6 of this section, the term "applicable loan" shall mean any loan made and
7 used solely for the acquisition of dairy cows and other replacement
8 dairy females.**

**9 2. The Missouri agricultural and small business development
10 authority may charge a fee for the service in subsection 1 of this
11 section, not to exceed fifty dollars per individual. Revenue generated
12 from the fee shall be used to defray administrative costs.**

**348.235. 1. The Missouri agricultural and small business
2 development authority, subject to appropriation not to exceed fifty
3 thousand dollars, shall develop and implement dairy business planning
4 grants as provided in this section.**

**5 2. The Missouri agricultural and small business development
6 authority may charge an application fee for the grants developed under
7 this section, not to exceed fifty dollars per application. Revenue**

8 generated from the application fee shall be used to defray the cost of
9 administering the grants.

10 3. Eligible applicants shall be existing or start-up dairy
11 operations wholly located in the state of Missouri that are at least fifty-
12 one percent owned by residents of this state.

13 4. A single grant shall not exceed five thousand dollars or
14 finance more than ninety percent of the cost of the business plan,
15 whichever is less.

16 5. Proceeds from a grant shall only be used to contract with a
17 dairy business planning professional that is approved by the Missouri
18 agricultural and small business development authority.

19 6. The Missouri agricultural and small business development
20 authority may promulgate rules establishing eligibility and award
21 criteria under this section including, but not limited to, the following:

22 (1) The potential to improve the profitability, modernization, and
23 expansion of the dairy operation;

24 (2) The education, experience, and past relevant experience of
25 the dairy business planning professional;

26 (3) The qualifications, education, and experience of the dairy
27 owner or owners and management team;

28 (4) The potential for timely near-term application of the results
29 of the study;

30 (5) The potential economic benefit to the state of Missouri;

31 (6) Such other factors as the Missouri agricultural and small
32 business development authority may establish.

33 7. Any rule or portion of a rule, as that term is defined in section
34 536.010, RSMo, that is created under the authority delegated in this
35 section shall become effective only if it complies with and is subject to
36 all of the provisions of chapter 536, RSMo, and, if applicable, section
37 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
38 and if any of the powers vested with the general assembly pursuant to
39 chapter 536, RSMo, to review, to delay the effective date, or to
40 disapprove and annul a rule are subsequently held unconstitutional,
41 then the grant of rulemaking authority and any rule proposed or
42 adopted after August 28, 2008, shall be invalid and void.

348.430. 1. The tax credit created in this section shall be known as the
2 "Agricultural Product Utilization Contributor Tax Credit".

3 2. As used in this section, the following terms mean:

4 (1) "Authority", the agriculture and small business development authority
5 as provided in this chapter;

6 (2) "Contributor", an individual, partnership, corporation, trust, limited
7 liability company, entity or person that contributes cash funds to the authority;

8 (3) "Development facility", a facility producing either a good derived from
9 an agricultural commodity or using a process to produce a good derived from an
10 agricultural product;

11 (4) "Eligible new generation cooperative", a nonprofit cooperative
12 association formed pursuant to chapter 274, RSMo, or incorporated pursuant to
13 chapter 357, RSMo, for the purpose of operating **within this state** a
14 development facility or a renewable fuel production facility;

15 (5) "Eligible new generation processing entity", a partnership, corporation,
16 cooperative, or limited liability company organized or incorporated pursuant to
17 the laws of this state consisting of not less than twelve members, approved by the
18 authority, for the purpose of owning or operating within this state a development
19 facility or a renewable fuel production facility in which producer members:

20 (a) Hold a majority of the governance or voting rights of the entity and
21 any governing committee;

22 (b) Control the hiring and firing of management; and

23 (c) Deliver agricultural commodities or products to the entity for
24 processing, unless processing is required by multiple entities;

25 (6) "Renewable fuel production facility", a facility producing an energy
26 source which is derived from a renewable, domestically grown, organic compound
27 capable of powering machinery, including an engine or power plant, and any
28 by-product derived from such energy source.

29 3. For all tax years beginning on or after January 1, 1999, a contributor
30 who contributes funds to the authority may receive a credit against the tax or
31 estimated quarterly tax otherwise due pursuant to chapter 143, RSMo, other than
32 taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148,
33 RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such
34 contribution. Tax credits claimed in a taxable year may be done so on a quarterly
35 basis and applied to the estimated quarterly tax pursuant to this subsection. If
36 a quarterly tax credit claim or series of claims contributes to causing an
37 overpayment of taxes for a taxable year, such overpayment shall not be refunded
38 but shall be applied to the next taxable year. The awarding of such credit shall

39 be at the approval of the authority, based on the least amount of credits
40 necessary to provide incentive for the contributions. A contributor that receives
41 tax credits for a contribution to the authority shall receive no other consideration
42 or compensation for such contribution, other than a federal tax deduction, if
43 applicable, and goodwill.

44 4. A contributor shall submit to the authority an application for the tax
45 credit authorized by this section on a form provided by the authority. If the
46 contributor meets all criteria prescribed by this section and the authority, the
47 authority shall issue a tax credit certificate in the appropriate amount. Tax
48 credits issued pursuant to this section may be claimed in the taxable year in
49 which the contributor contributes funds to the authority. For all fiscal years
50 beginning on or after July 1, 2004, tax credits allowed pursuant to this section
51 may be carried back to any of the contributor's three prior tax years and may be
52 carried forward to any of the contributor's five subsequent taxable years. Tax
53 credits issued pursuant to this section may be assigned, transferred or sold and
54 the new owner of the tax credit shall have the same rights in the credit as the
55 contributor. Whenever a certificate of tax credit is assigned, transferred, sold or
56 otherwise conveyed, a notarized endorsement shall be filed with the authority
57 specifying the name and address of the new owner of the tax credit or the value
58 of the credit.

59 5. The funds derived from contributions in this section shall be used for
60 financial assistance or technical assistance for the purposes provided in section
61 348.407 to rural agricultural business concepts as approved by the authority. The
62 authority may provide or facilitate loans, equity investments, or guaranteed loans
63 for rural agricultural business concepts, but limited to two million dollars per
64 project or the net state economic impact, whichever is less. Loans, equity
65 investments or guaranteed loans may only be provided to feasible projects, and
66 for an amount that is the least amount necessary to cause the project to occur, as
67 determined by the authority. The authority may structure the loans, equity
68 investments or guaranteed loans in a way that facilitates the project, but also
69 provides for a compensatory return on investment or loan payment to the
70 authority, based on the risk of the project.

71 6. In any given year, at least ten percent of the funds granted to rural
72 agricultural business concepts shall be awarded to grant requests of twenty-five
73 thousand dollars or less. No single rural agricultural business concept shall
74 receive more than two hundred thousand dollars in grant awards from the

75 authority. Agricultural businesses owned by minority members or women shall
76 be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the
2 "New Generation Cooperative Incentive Tax Credit".

3 2. As used in this section, the following terms mean:

4 (1) "Authority", the agriculture and small business development authority
5 as provided in this chapter;

6 (2) "Development facility", a facility producing either a good derived from
7 an agricultural commodity or using a process to produce a good derived from an
8 agricultural product;

9 (3) "Eligible new generation cooperative", a nonprofit cooperative
10 association formed pursuant to chapter 274, RSMo, or incorporated pursuant to
11 chapter 357, RSMo, for the purpose of operating **within this state** a
12 development facility or a renewable fuel production facility and approved by the
13 authority;

14 (4) "Eligible new generation processing entity", a partnership, corporation,
15 cooperative, or limited liability company organized or incorporated pursuant to
16 the laws of this state consisting of not less than twelve members, approved by the
17 authority, for the purpose of owning or operating within this state a development
18 facility or a renewable fuel production facility in which producer members:

19 (a) Hold a majority of the governance or voting rights of the entity and
20 any governing committee;

21 (b) Control the hiring and firing of management; and

22 (c) Deliver agricultural commodities or products to the entity for
23 processing, unless processing is required by multiple entities;

24 (5) "Employee-qualified capital project", an eligible new generation
25 cooperative with capital costs greater than fifteen million dollars which will
26 employ at least sixty employees;

27 (6) "Large capital project", an eligible new generation cooperative with
28 capital costs greater than one million dollars;

29 (7) "Producer member", a person, partnership, corporation, trust or limited
30 liability company whose main purpose is agricultural production that invests cash
31 funds to an eligible new generation cooperative or eligible new generation
32 processing entity;

33 (8) "Renewable fuel production facility", a facility producing an energy
34 source which is derived from a renewable, domestically grown, organic compound

35 capable of powering machinery, including an engine or power plant, and any
36 by-product derived from such energy source;

37 (9) "Small capital project", an eligible new generation cooperative with
38 capital costs of no more than one million dollars.

39 3. Beginning tax year 1999, and ending December 31, 2002, any producer
40 member who invests cash funds in an eligible new generation cooperative or
41 eligible new generation processing entity may receive a credit against the tax or
42 estimated quarterly tax otherwise due pursuant to chapter 143, RSMo, other than
43 taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148,
44 RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of
45 such producer member's investment or fifteen thousand dollars.

46 4. For all tax years beginning on or after January 1, 2003, any producer
47 member who invests cash funds in an eligible new generation cooperative or
48 eligible new generation processing entity may receive a credit against the tax or
49 estimated quarterly tax otherwise due pursuant to chapter 143, RSMo, other than
50 taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 147,
51 RSMo, or chapter 148, RSMo, in an amount equal to the lesser of fifty percent of
52 such producer member's investment or fifteen thousand dollars. Tax credits
53 claimed in a taxable year may be done so on a quarterly basis and applied to the
54 estimated quarterly tax pursuant to subsection 3 of this section. If a quarterly
55 tax credit claim or series of claims contributes to causing an overpayment of taxes
56 for a taxable year, such overpayment shall not be refunded but shall be applied
57 to the next taxable year.

58 5. A producer member shall submit to the authority an application for the
59 tax credit authorized by this section on a form provided by the authority. If the
60 producer member meets all criteria prescribed by this section and is approved by
61 the authority, the authority shall issue a tax credit certificate in the appropriate
62 amount. Tax credits issued pursuant to this section may be carried back to any
63 of the producer member's three prior taxable years and carried forward to any of
64 the producer member's five subsequent taxable years regardless of the type of tax
65 liability to which such credits are applied as authorized pursuant to subsection
66 3 of this section. Tax credits issued pursuant to this section may be assigned,
67 transferred, sold or otherwise conveyed and the new owner of the tax credit shall
68 have the same rights in the credit as the producer member. Whenever a
69 certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a
70 notarized endorsement shall be filed with the authority specifying the name and

71 address of the new owner of the tax credit or the value of the credit.

72 6. Ten percent of the tax credits authorized pursuant to this section
73 initially shall be offered in any fiscal year to small capital projects. If any portion
74 of the ten percent of tax credits offered to small capital costs projects is unused
75 in any calendar year, then the unused portion of tax credits may be offered to
76 employee-qualified capital projects and large capital projects. If the authority
77 receives more applications for tax credits for small capital projects than tax
78 credits are authorized therefor, then the authority, by rule, shall determine the
79 method of distribution of tax credits authorized for small capital projects.

80 7. Ninety percent of the tax credits authorized pursuant to this section
81 initially shall be offered in any fiscal year to employee-qualified capital projects
82 and large capital projects. If any portion of the ninety percent of tax credits
83 offered to employee-qualified capital projects and large capital costs projects is
84 unused in any fiscal year, then the unused portion of tax credits may be offered
85 to small capital projects. The maximum tax credit allowed per employee-qualified
86 capital project is three million dollars and the maximum tax credit allowed per
87 large capital project is one million five hundred thousand dollars. If the
88 authority approves the maximum tax credit allowed for any employee-qualified
89 capital project or any large capital project, then the authority, by rule, shall
90 determine the method of distribution of such maximum tax credit. In addition,
91 if the authority receives more tax credit applications for employee-qualified
92 capital projects and large capital projects than the amount of tax credits
93 authorized therefor, then the authority, by rule, shall determine the method of
94 distribution of tax credits authorized for employee-qualified capital projects and
95 large capital projects.

 348.505. 1. As used in this section, "state tax liability", any state tax
2 liability incurred by a taxpayer under the provisions of chapters 143, 147, and
3 148, RSMo, exclusive of the provisions relating to the withholding of tax as
4 provided for in sections 143.191 to 143.265, RSMo, and related provisions.

5 2. Any eligible lender under the family farm livestock loan program under
6 section 348.500 shall be entitled to receive a tax credit equal to one hundred
7 percent of the amount of interest waived by the lender under section 348.500 on
8 a qualifying loan for the first year of the loan only. The tax credit shall be
9 evidenced by a tax credit certificate issued by the agricultural and small business
10 development authority and may be used to satisfy the state tax liability of the
11 owner of such certificate that becomes due in the tax year in which the interest

12 on a qualified loan is waived by the lender under section 348.500. No lender may
13 receive a tax credit under this section unless such person presents a tax credit
14 certificate to the department of revenue for payment of such state tax
15 liability. The amount of the tax credits that may be issued to all eligible lenders
16 claiming tax credits authorized in this section in a fiscal year shall not exceed
17 [one hundred fifty thousand] **three hundred thousand** dollars.

18 3. The agricultural and small business development authority shall be
19 responsible for the administration and issuance of the certificate of tax credits
20 authorized by this section. The authority shall issue a certificate of tax credit at
21 the request of any lender. Each request shall include a true copy of the loan
22 documents, the name of the lender who is to receive a certificate of tax credit, the
23 type of state tax liability against which the tax credit is to be used, and the
24 amount of the certificate of tax credit to be issued to the lender based on the
25 interest waived by the lender under section 348.500 on the loan for the first year.

26 4. The Missouri department of revenue shall accept a certificate of tax
27 credit in lieu of other payment in such amount as is equal to the lesser of the
28 amount of the tax or the remaining unused amount of the credit as indicated on
29 the certificate of tax credit, and shall indicate on the certificate of tax credit the
30 amount of tax thereby paid and the date of such payment.

31 5. The following provisions shall apply to tax credits authorized under
32 this section:

33 (1) Tax credits claimed in a taxable year may be claimed on a quarterly
34 basis and applied to the estimated quarterly tax of the lender;

35 (2) Any amount of tax credit which exceeds the tax due, including any
36 estimated quarterly taxes paid by the lender under subdivision (1) of this
37 subsection which results in an overpayment of taxes for a taxable year, shall not
38 be refunded but may be carried over to any subsequent taxable year, not to
39 exceed a total of three years for which a tax credit may be taken for a qualified
40 family farm livestock loan;

41 (3) Notwithstanding any provision of law to the contrary, a lender may
42 assign, transfer or sell tax credits authorized under this section, with the new
43 owner of the tax credit receiving the same rights in the tax credit as the
44 lender. For any tax credits assigned, transferred, sold, or otherwise conveyed, a
45 notarized endorsement shall be filed by the lender with the authority specifying
46 the name and address of the new owner of the tax credit and the value of such
47 tax credit; and

48 (4) Notwithstanding any other provision of this section to the contrary,
49 any commercial bank may use tax credits created under this section as provided
50 in section 148.064, RSMo, and receive a net tax credit against taxes actually paid
51 in the amount of the first year's interest on loans made under this section. If
52 such first year tax credits reduce taxes due as provided in section 148.064, RSMo,
53 to zero, the remaining tax credits may be carried over as otherwise provided in
54 this section and utilized as provided in section 148.064, RSMo, in subsequent
55 years.

**348.515. In recognition of the role of animal agriculture in the
2 economic well-being of this state and in recognition that opportunities
3 to succeed in agriculture should not be limited by the economic means
4 of persons engaged in agriculture, the general assembly of the state of
5 Missouri declares that state assistance in the guarantee of loans made
6 to enable independent livestock and poultry family farm operations to
7 succeed in the operation will benefit the state of Missouri economically
8 and socially and is a public purpose of great importance.**

**348.518. 1. In addition to the duties and powers established in
2 sections 348.005 to 348.505, the Missouri agricultural and small business
3 development authority shall develop and implement a livestock feed
4 and crop input loan guarantee program as provided in sections 348.515
5 to 348.533. The authority may promulgate rules necessary to carry out
6 the purposes of sections 348.515 to 348.533. The rules promulgated
7 under sections 348.515 to 348.533 shall be designed to encourage
8 maximum involvement and participation by lenders and financial
9 institutions in the loan guarantee program. The authority shall be the
10 administrative agency for the implementation of the loan guarantee
11 program, and may employ such persons as necessary, within the limits
12 of appropriations made for that purpose, to administer the loan
13 guarantee program.**

**2. Any rule or portion of a rule, as that term is defined in section
15 536.010, RSMo, that is created under the authority delegated in this
16 section shall become effective only if it complies with and is subject to
17 all of the provisions of chapter 536, RSMo, and, if applicable, section
18 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
19 and if any of the powers vested with the general assembly pursuant to
20 chapter 536, RSMo, to review, to delay the effective date, or to
21 disapprove and annul a rule are subsequently held unconstitutional,**

22 then the grant of rulemaking authority and any rule proposed or
23 adopted after August 28, 2008, shall be invalid and void.

348.521. 1. The authority may issue certificates of guaranty
2 covering a first loss guarantee up to but not more than fifty percent of
3 the loan on a declining principal basis for loans to individuals
4 executing a note or other evidence of a loan made for livestock feed or
5 crop input, but not to exceed the amount of forty thousand dollars for
6 any one individual and to pay from the livestock feed and crop input
7 loan guarantee fund to an eligible lender up to fifty percent of the
8 amount on a declining principal basis of any loss on any guaranteed
9 loan made under the provisions of sections 348.515 to 348.533, in the
10 event of default on the loan. Upon payment of the loan, the authority
11 shall be subrogated to all the rights of the eligible lender.

12 2. As used in sections 348.515 to 348.533, the term "eligible
13 lender" means those entities defined as "lenders" under subdivision (8)
14 of section 348.015.

15 3. The authority shall charge for each guaranteed loan a
16 one-time participation fee of fifty dollars which shall be collected by
17 the lender at the time of closing and paid to the authority. Amounts so
18 collected shall be deposited in the livestock feed and crop input loan
19 program fund and used, upon appropriation, to pay the costs of
20 administering the program.

21 4. All moneys paid to satisfy a defaulted guaranteed loan shall
22 only be paid out of the livestock feed and crop input loan guarantee
23 fund established by sections 348.515 to 348.533.

24 5. The total outstanding guaranteed loans shall at no time exceed
25 an amount which, according to sound actuarial judgment, would allow
26 immediate redemption of twenty percent of the outstanding loans
27 guaranteed by the fund at any one time.

348.524. 1. There is hereby established in the state treasury the
2 "Livestock Feed and Crop Input Loan Guarantee Fund". The fund shall
3 consist of money appropriated to it by the general assembly, charges,
4 gifts, grants and bequests from federal, private or other
5 sources. Notwithstanding the provisions of section 33.080, RSMo, no
6 portion of the fund shall be transferred to the general revenue fund.

7 2. All moneys received by the authority for payments made on
8 previously defaulted guaranteed loans shall be paid promptly into the

9 state treasury and deposited in the fund.

10 3. The fund shall be administered by the Missouri agricultural
11 and small business development authority organized under sections
12 348.005 to 348.180.

13 4. Beginning with fiscal year 2009, the general assembly may
14 appropriate moneys not to exceed four million dollars for the
15 establishment and initial funding of the livestock feed and crop input
16 loan guarantee fund.

348.527. Moneys in the fund, both unobligated and obligated as
2 a reserve, which in the judgment of the authority are not currently
3 needed for payments of defaults of guaranteed loans, may be invested
4 by the state treasurer, and any income therefrom shall be deposited to
5 the credit of the fund.

348.530. 1. Persons eligible for guarantees for loans under the
2 provisions of sections 348.515 to 348.533 are individuals engaged in
3 farming operations as defined in section 348.015, who intend to use the
4 proceeds from the loan to finance the purchase of livestock feed used
5 to produce livestock or input used to produce crops for the feeding of
6 livestock, and who are seeking a loan or loans to finance not more than
7 ninety percent of the anticipated cost.

8 2. The authority shall adopt and promulgate rules establishing
9 eligibility under the provisions of sections 348.515 to 348.533, taking
10 into consideration the individual's ability to repay the loan, the general
11 economic conditions of the area in which the individual will be located,
12 the prospect of success of the particular farm operation for which the
13 loan is sought and such other factors as the authority may
14 establish. The eligibility of any person for a loan guarantee under the
15 provisions of sections 348.515 to 348.533 shall not be determined or
16 otherwise affected by any consideration of that person's race, religion,
17 sex, creed, color, or location of residence. The authority may also
18 provide for:

19 (1) The manner and time of repayment of the principal and
20 interest;

21 (2) The right of the borrower to accelerate payments without
22 penalty;

23 (3) The amount of the guaranty charge;

24 (4) The effective period of the guaranty;

25 **(5) The percent of the loan, not to exceed fifty percent, covered**
26 **by the guaranty;**

27 **(6) The assignability of loans by the lender;**

28 **(7) Procedures in event of default by the borrower;**

29 **(8) The due diligence effort on the part of lenders for collection**
30 **of guaranteed loans;**

31 **(9) Collection assistance to be provided to lenders; and**

32 **(10) The extension of the guaranty in consideration of duty in**
33 **the armed forces, unemployment, natural disasters, or other hardships.**

640.710. 1. The department shall promulgate rules regulating the
2 establishment, permitting, design, construction, operation and management of
3 class I facilities. The department shall have the authority and jurisdiction to
4 regulate the establishment, permitting, design, construction, operation and
5 management of any class I facility. Such rules may require monitoring wells on
6 a site-specific basis when, in the determination of the division of geology and land
7 survey, class IA concentrated animal feeding operation lagoons are located in
8 hydrologically sensitive areas where the quality of groundwater may be
9 compromised. Such rules and regulations shall be designed to afford a prudent
10 degree of environmental protection while accommodating modern agricultural
11 practices.

12 **2. If a decision on any application concerning a concentrated**
13 **animal feeding operation cannot be rendered by the department within**
14 **ninety days of the receipt of the completed application, the director**
15 **shall establish, publish, and post on the department website a time line**
16 **under which such application shall be considered and**
17 **decided. Immediately following establishment of the time line, the**
18 **director shall arrange for its publication for a period of ten days in the**
19 **newspaper of each county or incorporated city, town, or village to be**
20 **affected by the permit application. The time line shall be posted on the**
21 **department's website for the duration of time the application is open**
22 **for consideration. The director may only amend the time line once. In**
23 **the event that such an amendment is made, the director shall publish**
24 **the new time line immediately after that decision has been made, in the**
25 **same manner as described above.**

26 **3. Except as provided in subsections 3 and 4 of this section, the**
27 **department shall require at least but not more than the following buffer distances**

28 between the nearest confinement building or lagoon and any public building or
29 occupied residence, except a residence which is owned by the concentrated animal
30 feeding operation or a residence from which a written agreement for operation is
31 obtained:

32 (1) For concentrated animal feeding operations with at least one thousand
33 animal units, one thousand feet;

34 (2) For concentrated animal feeding operations with between three
35 thousand and six thousand nine hundred ninety-nine animal units inclusive, two
36 thousand feet; and

37 (3) For concentrated animal feeding operations of seven thousand or more
38 animal units, three thousand feet.

39 [3.] 4. All concentrated animal feeding operations in existence as of June
40 25, 1996, shall be exempt from the buffer distances prescribed in subsection 2 of
41 this section. Such distances shall not apply to concentrated animal feeding
42 operations which have received a written agreement which has been signed by all
43 affected property owners within the buffer distance.

44 [4.] 5. The department may, upon review of the information contained in
45 the site plan including, but not limited to, the prevailing winds, topography and
46 other local environmental factors, authorize a distance which is less than the
47 distance prescribed in subsection 2 of this section. The department's
48 recommendation shall be sent to the governing body of the county in which such
49 site is proposed. The department's authorized buffer distance shall become
50 effective unless the county governing body rejects the department's
51 recommendation by a majority vote at the next meeting of the governing body
52 after the recommendation is received.

53 [5.] 6. Nothing in this section shall be construed as restricting local
54 controls.

643.151. 1. It is unlawful for any person to cause or permit any air
2 pollution by emission of any air contaminant from any air contaminant source
3 located in Missouri, in violation of sections 643.010 to 643.190, or any rule
4 promulgated by the commission.

5 2. No person who knows or should know of the existence of such rules may
6 cause or permit any air pollution by emission of any air contaminant source
7 located outside Missouri, and which emissions enter Missouri in excess of the
8 emission control regulations applicable to the portion of Missouri where the air
9 contaminant enters the state.

10 3. In the event the commission determines that any provision of sections
11 643.010 to 643.190, or the rules promulgated hereunder, permits issued, or any
12 final order or determination made by the commission or the director is being
13 violated, the commission may cause to have instituted a civil action in any court
14 of competent jurisdiction for injunctive relief to prevent any further violation or
15 for the assessment of a penalty not to exceed ten thousand dollars for each
16 violation per day for each day, or part thereof, the violation continues to occur,
17 or both, as the court may deem proper. A civil monetary penalty under this
18 section shall not be assessed for a violation where an administrative penalty was
19 assessed under section 643.085. The commission may request the attorney
20 general or other counsel to bring such action in the name of the people of the
21 state of Missouri. Process may be served in any manner provided by chapter 506,
22 RSMo, including but not limited to sections 506.510 and 506.520, RSMo. Suit
23 may be brought in any county where the defendant's principal place of business
24 is located or where the air contaminant source is located or where the air
25 contaminants enter the state of Missouri. Any offer of settlement to resolve a
26 civil penalty under this section shall be in writing, shall state that an action for
27 imposition of a civil penalty may be initiated by the attorney general or a
28 prosecuting attorney representing the department under authority of this section,
29 and shall identify any dollar amount as an offer of settlement which shall be
30 negotiated in good faith through conference, conciliation and persuasion.

31 **4. Any concentrated animal feeding operation or recycling**
32 **company that converts animal parts into petroleum that the**
33 **commission or the director determines to be in persistent violation of**
34 **the provisions of this section or any odor rule promulgated by the**
35 **department shall forfeit any permits issued by the department under**
36 **sections 640.700 to 640.755, RSMo, this chapter, or chapter 644, RSMo,**
37 **until such time that the concentrated animal feeding operation or**
38 **recycling company that converts animal parts into petroleum**
39 **successfully reapplies for a new permit. Except as provided otherwise**
40 **in subsection 10 of this section, for the purposes of this subsection, the**
41 **term "persistent violation" shall mean any concentrated animal feeding**
42 **operation or recycling company that converts animal parts into**
43 **petroleum that has been found by the commission or the director to**
44 **have violated the provisions of this section at least six times during any**
45 **twelve-month period or at least twelve times during any thirty-six**

46 **month period.**

47 **5. During any thirty-six month period, any concentrated animal**
48 **feeding operation or recycling company that converts animal parts into**
49 **petroleum that the commission or director has found to have violated**
50 **the provisions of this section on more than one occasion shall be**
51 **subject to a surcharge in addition to the civil penalties assessed under**
52 **subsection 3 of this section. The surcharge shall be an amount equal**
53 **to the sum of the penalty assessed under subsection 3 of this section for**
54 **the current citation plus all the fines assessed against the violator**
55 **during the thirty-six month period prior to the date the citation was**
56 **issued.**

57 **6. The proceeds of any surcharge assessed under subsection 5 of**
58 **this section shall be deposited into the "Air Pollution Enforcement**
59 **Fund", which is hereby established and shall be administered by the**
60 **department. One half of all moneys in the fund shall be utilized**
61 **exclusively to enforce the provisions of this section and one half of all**
62 **moneys in the fund shall be transferred at least annually to the state**
63 **school moneys fund as established in section 166.051, RSMo, and**
64 **distributed to the public schools of this state in the manner provided**
65 **in section 163.031, RSMo.**

66 **7. Notwithstanding the provisions of section 33.080, RSMo,**
67 **moneys in the air pollution enforcement fund shall not revert to**
68 **general revenue. The state treasurer shall invest the moneys from the**
69 **fund in the same manner as other state funds are invested. Interest**
70 **accruing to the fund shall be deposited in the fund and shall not be**
71 **transferred to general revenue.**

72 **8. Any member of the commission or employee thereof who is convicted**
73 **of willful disclosure or conspiracy to disclose confidential information to any**
74 **person other than one entitled to the information under sections 643.010 to**
75 **643.190 is guilty of a class A misdemeanor and upon conviction thereof shall be**
76 **punished by a fine of not more than one thousand dollars.**

77 **[5.] 9. No liability shall be imposed upon persons violating the provisions**
78 **of sections 643.010 to 643.190 or any rule hereunder due to any violation caused**
79 **by an act of God, war, strike, riot or other catastrophe.**

80 **10. Upon any change in sections 643.010 to 643.190 or in the**
81 **commission's regulations promulgated thereunder, the director may**
82 **correspondingly adjust, by rule, the number of violations in any twelve**

83 **or thirty-six month period that shall be considered a persistent**
84 **violation under subsection 4 of this section, provided that any such**
85 **adjustment shall keep the ratio of violations to time period reasonably**
86 **consistent with the intent of the ratio in subsection 4 of this section.**

644.076. 1. It is unlawful for any person to cause or permit any discharge
2 of water contaminants from any water contaminant or point source located in
3 Missouri in violation of sections 644.006 to 644.141, or any standard, rule or
4 regulation promulgated by the commission. In the event the commission or the
5 director determines that any provision of sections 644.006 to 644.141 or standard,
6 rules, limitations or regulations promulgated pursuant thereto, or permits issued
7 by, or any final abatement order, other order, or determination made by the
8 commission or the director, or any filing requirement pursuant to sections
9 644.006 to 644.141 or any other provision which this state is required to enforce
10 pursuant to any federal water pollution control act, is being, was, or is in
11 imminent danger of being violated, the commission or director may cause to have
12 instituted a civil action in any court of competent jurisdiction for the injunctive
13 relief to prevent any such violation or further violation or for the assessment of
14 a penalty not to exceed ten thousand dollars per day for each day, or part thereof,
15 the violation occurred and continues to occur, or both, as the court deems proper.
16 A civil monetary penalty pursuant to this section shall not be assessed for a
17 violation where an administrative penalty was assessed pursuant to section
18 644.079. The commission, the chair of a watershed district's board of trustees
19 created under section 249.1150, RSMo, or the director may request either the
20 attorney general or a prosecuting attorney to bring any action authorized in this
21 section in the name of the people of the state of Missouri. Suit may be brought
22 in any county where the defendant's principal place of business is located or
23 where the water contaminant or point source is located or was located at the time
24 the violation occurred. Any offer of settlement to resolve a civil penalty pursuant
25 to this section shall be in writing, shall state that an action for imposition of a
26 civil penalty may be initiated by the attorney general or a prosecuting attorney
27 representing the department pursuant to this section, and shall identify any
28 dollar amount as an offer of settlement which shall be negotiated in good faith
29 through conference, conciliation and persuasion.

30 **2. Any concentrated animal feeding operation or recycling**
31 **company that converts animal parts into petroleum that the**
32 **commission or the director determines to be in persistent violation of**

33 the provisions of this section shall forfeit any permits issued by the
34 department under sections 640.700 to 640.755, RSMo, chapter 643,
35 RSMo, or chapter 644, until such time the concentrated animal feeding
36 operation or recycling company that converts animal parts into
37 petroleum successfully reapplies for a new permit. Except as provided
38 otherwise in subsection 9 of this section, for the purposes of this
39 subsection, the term "persistent violation" shall mean any concentrated
40 animal feeding operation or recycling company that converts animal
41 parts into petroleum that the commission or the director has found to
42 have violated the provisions of this section at least six times during any
43 twelve-month period or at least twelve times during any thirty-six
44 month period.

45 3. During any thirty-six month period, any concentrated animal
46 feeding operation or recycling company that converts animal parts into
47 petroleum that the commission or director has found to have violated
48 the provisions of this section on more than one occasion shall be
49 subject to a surcharge in addition to the civil penalties assessed under
50 subsection 1 of this section. The surcharge shall be an amount equal
51 to the sum of the penalty assessed under subsection 1 of this section for
52 the current citation plus all the fines assessed against the violator
53 during the thirty-six month period prior to the date the citation was
54 issued.

55 4. The proceeds of any surcharge assessed under subsection 3 of
56 this section shall be deposited into the "Water Pollution Enforcement
57 Fund", which is hereby established and shall be administered by the
58 department. One half of all moneys in the fund shall be utilized
59 exclusively to enforce the provisions of this section, and one half of all
60 the moneys in the fund shall be transferred at least annually to the
61 state school moneys fund as established in section 166.051, RSMo, and
62 distributed to the public schools of this state in the manner provided
63 in section 163.031, RSMo.

64 5. Notwithstanding the provisions of section 33.080, RSMo,
65 moneys in the water pollution enforcement fund shall not revert to
66 general revenue. The state treasurer shall invest the moneys from the
67 fund in the same manner as other state funds are invested. Interest
68 accruing to the fund shall be deposited in the fund and shall not be
69 transferred to general revenue.

70 **6.** Any person who knowingly makes any false statement, representation
71 or certification in any application, record, report, plan, or other document filed
72 or required to be maintained pursuant to sections 644.006 to 644.141 or who
73 falsifies, tampers with, or knowingly renders inaccurate any monitoring device
74 or method required to be maintained pursuant to sections 644.006 to 644.141
75 shall, upon conviction, be punished by a fine of not more than ten thousand
76 dollars, or by imprisonment for not more than six months, or by both.

77 **[3.] 7.** Any person who willfully or negligently commits any violation set
78 forth pursuant to subsection 1 of this section shall, upon conviction, be punished
79 by a fine of not less than two thousand five hundred dollars nor more than
80 twenty-five thousand dollars per day of violation, or by imprisonment for not
81 more than one year, or both. Second and successive convictions for violation of the
82 same provision of this section by any person shall be punished by a fine of not
83 more than fifty thousand dollars per day of violation, or by imprisonment for not
84 more than two years, or both.

85 **[4.] 8.** The liabilities which shall be imposed pursuant to any provision
86 of sections 644.006 to 644.141 upon persons violating the provisions of sections
87 644.006 to 644.141 or any standard, rule, limitation, or regulation adopted
88 pursuant thereto shall not be imposed due to any violation caused by an act of
89 God, war, strike, riot, or other catastrophe.

90 **9. Upon any change in sections 644.006 to 644.141 or in the**
91 **commission's regulations promulgated thereunder, the director may**
92 **correspondingly adjust, by rule, the number of violations in any twelve**
93 **or thirty-six month period that shall be considered a persistent**
94 **violation under subsection 2 of this section, provided that any such**
95 **adjustment shall keep the ratio of violations to time period reasonably**
96 **consistent with the intent of the ratio in subsection 2 of this section.**

Section 1. Other provisions of law to the contrary
2 **notwithstanding, all tax credits now or hereafter authorized under the**
3 **laws of this state shall automatically sunset August 28, 2011.**

Section 2. 1. As used in this section, the following terms mean:

2 **(1) "Department", the department of revenue;**

3 **(2) "Qualifying motor vehicle", any new motor vehicle, as defined**
4 **in section 301.010, RSMo, which is assembled and sold in this state;**

5 **(3) "State tax liability", in the case of a business taxpayer, any**
6 **liability incurred by such taxpayer pursuant to the provisions of**

7 chapters 143, 147, and 153, RSMo, excluding sections 143.191 to 143.265,
8 RSMo, and related provisions, and in the case of an individual
9 taxpayer, any liability incurred by such taxpayer pursuant to the
10 provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265,
11 RSMo, and related provisions;

12 (4) "Taxpayer", a person, firm, a partner in a firm, corporation,
13 or a shareholder in an S corporation doing business in the state of
14 Missouri and subject to the state income tax imposed by the provisions
15 of chapter 143, RSMo, or a corporation subject to the annual
16 corporation franchise tax imposed by the provisions of chapter 147,
17 RSMo, or an express company which pays an annual tax on its gross
18 receipts in this state pursuant to chapter 153, RSMo, or an individual
19 subject to the state income tax imposed by the provisions of chapter
20 143, RSMo.

21 2. For all tax years beginning on or after January 1, 2008, a
22 taxpayer shall be allowed to claim a tax credit against the taxpayer's
23 state tax liability in an amount equal to one hundred percent of the
24 amount such taxpayer paid in state and local sales tax on the purchase
25 of a qualified motor vehicle.

26 3. To the extent the tax credit issued under this section exceeds
27 a taxpayer's state tax liability, such excess shall constitute an
28 overpayment of tax and shall be refunded to such taxpayer.

29 4. The cumulative amount of tax credits which may be issued
30 under this section in any one fiscal year shall not exceed eight million
31 five hundred thousand dollars. If the amount of tax credits claimed
32 under this section exceeds eight million five hundred thousand dollars
33 in any one fiscal year, the director of the department of revenue shall
34 establish a procedure by which, from the beginning of the fiscal year
35 until some point in time later in the fiscal year to be determined by the
36 director, the cumulative amount of tax credits are equally apportioned
37 among all taxpayers allowed a tax credit under this section. The
38 director may establish more than one period of time and reapportion
39 more than once during each fiscal year. To the maximum extent
40 possible, the director shall establish the procedure described in this
41 subsection in such a manner as to ensure that taxpayers can claim all
42 the tax credits possible up to the cumulative amount of tax credits
43 available for the fiscal year.

44 **5. Not less than one hundred and twenty days from the effective**
45 **date of this act, the department shall promulgate rules necessary for**
46 **the implementation of the provisions of this section. Any rule or**
47 **portion of a rule, as that term is defined in section 536.010, RSMo, that**
48 **is created under the authority delegated in this section shall become**
49 **effective only if it complies with and is subject to all of the provisions**
50 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
51 **section and chapter 536, RSMo, are nonseverable and if any of the**
52 **powers vested with the general assembly pursuant to chapter 536,**
53 **RSMo, to review, to delay the effective date, or to disapprove and annul**
54 **a rule are subsequently held unconstitutional, then the grant of**
55 **rulemaking authority and any rule proposed or adopted after August**
56 **28, 2008, shall be invalid and void.**

57 **6. The provisions of this section shall automatically sunset six**
58 **years from the effective date of this act, unless reauthorized.**

Bill ✓

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